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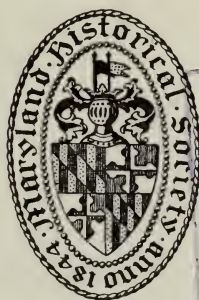
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MARYLAND HISTORICAL MAGAZINE

PUBLISHED BY
THE MARYLAND HISTORICAL SOCIETY



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VOLUME LVI

BALTIMORE

1961

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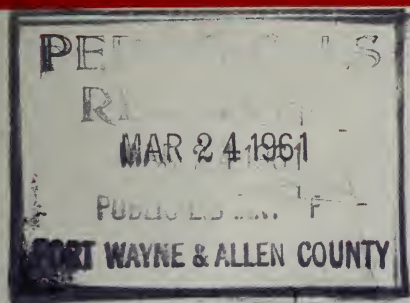
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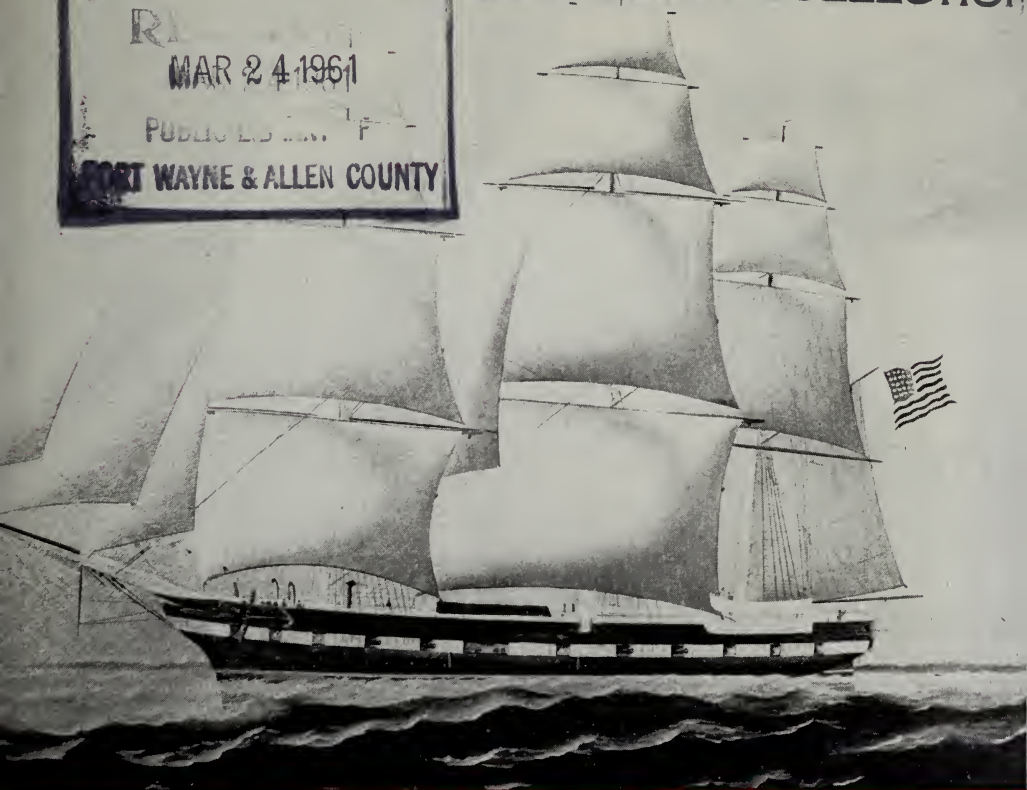
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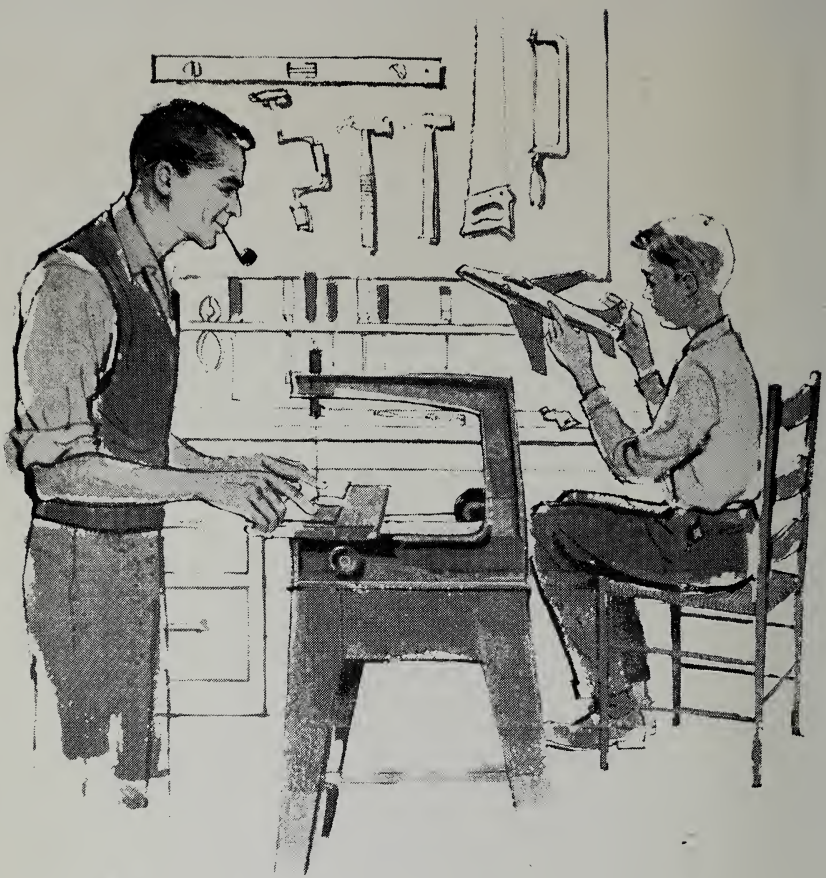
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MARYLAND HISTORICAL SOCIETY
BALTIMORE

March · 1961



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VOL. 56, No. 1

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MARYLAND HISTORICAL MAGAZINE

A Quarterly

Volume 56

MARCH, 1961

Number 1

THE THOUGHT THAT CAUSED A WAR: THE COMPACT THEORY IN THE NORTH

By JOSEPH T. DURKIN, S. J.

THE effort to discover "causes" of the Civil War is always precarious, often bootless, but sometimes profitable. We know that slavery and opposing economic ideals and rival political philosophies had much influence in triggering the conflict; and several other circumstances existing in the 1850s can be said to have been almost equally instrumental to this end.

There is a cause of the war which, however, has been ignored, a factor on the ideological plane.

History demonstrates that political movements—or cataclysms—are brought about ultimately by ideas. There would have been no powerful Communist society today if a few men a little more

than a century ago had not let loose in Europe an idea about Capitalism and Government. There would have been no United States if a handful of Englishmen had not fought for the ideals of natural rights and independence in 1776 and later hammered out ideas of ordered freedom.

So, it was another idea that, more than any other factor, provoked our Civil War. This concept had been developing for at least a half-century before it produced the armed conflict. It was a theory that the authority of the American Federal Government was enforceable only by the consent of the people. It was a denial, in effect, of any real sanction behind the laws and decrees of the Federal Government. It was an affirmation that the Federal Government's authority was null whenever the people disagreed with its prescriptions.

But this is only part of the story. We are accustomed to link such theories with the South. This, we are inclined to think, is the radical States' Rights philosophy of Calhoun and Jefferson Davis. And, if we are Northerners, we piously point to what we think was the typical Northern pre-War position—the high nationalist and Unionist viewpoints of John Marshall, Story, and Webster.

Nothing, however, could be farther from the truth. The fact is—as this study will attempt to show—the theory here described had taken equally strong roots in the North and West. There were men from Massachusetts who held it as firmly as did men from South Carolina. The theory was no monopoly of the South. It was the general political philosophy of the nation as a whole. Moreover, at more than one period before 1861 there was a real possibility that Northern men might do what Southern men finally *did* do—carry the theory to its logical conclusion. Whenever a section felt that its vital interests were being threatened by the Federal Government, the section denied the Federal Government's authority in that case. The denial was flat and total, and often included the assertion of the right to secede and “annul.”

What had been happening was this: a progressive deterioration of the concept of Federal authority had made highly probable a rebellion by one or another section at the moment the section would feel itself too much harried by Federal policy. According to the way the dice of destiny fell it was the South

which finally revolted and seceded; but it could have been the North. If, in late 1860, the latter section, probably to her surprise, found herself defending the Federal Government, it was largely because at the time no Northern bull was being gored; it was not because the North was a more fervent upholder of the Government at Washington. The last man to doubt this would have been President Lincoln who, even during the war, saw that some of his most powerful opponents were the Governors of the Northern States.

This article will present some facts to show the degree to which the Northern representatives in Congress adhered to the theory described above.

In collecting the evidence the following rule has been adopted. Testimony has been sought from those only who either at the time of their pronouncements were Whigs or Republicans, or who would soon be members of the latter party. The record is thus more significant since it comprises radical States' Rights sentiments spoken by men who would soon be engaged on the side of the Federal Government and the Union. It is not surprising when we hear a Senator Yancey using the language of John Calhoun; it is piquant to hear a Senator from Pennsylvania denouncing the Union, or a future adviser of Lincoln defending the right of secession. But, we might add, it would not have been so surprising to a man of 1850 who knew his current political history.

An opportunity for extremist libertarian affirmations by Northerners was provided by the passage of the Compromise of 1850, the "Omnibus" Bill. The chief object of Northern indignation with regard to this settlement was the Fugitive Slave Act. The measure obliged the citizens of the free states to cooperate in apprehending and returning to bondage slaves who had escaped into non-slavery areas.

We are familiar with the "higher law" argument of Senator William H. Seward. What is sometimes not fully stressed, however, is the fact that Seward was asserting the nullity not primarily of the Congressional statute, but of Section 2, Article IV of the Constitution itself. He did not merely say that there was a higher law than this particular Congressional enactment; he declared there was a higher law than the basic law of the land.

In developing his argument, Seward offers an interpretation

of Article IV which he probably would not have defended in 1861. The Fugitive Slave provision of that Article, he says, "is merely a *compact* between the States," and gives to the Federal Congress no power of legislation that the States at any time wish to withhold from the Federal Government.¹

One is tempted to ask, if this section of the Constitution may be thus softened, why may not others, phrased in no more emphatic terms, be likewise considered as imposing on the States no legal obligation? If such an exegesis be accepted, how can the Northerners, a few years later, condemn the Southern States for holding that the Constitution's declarations regarding an "irrevocable" Union comprise not a binding law, but only a compact between the states?

Against the Kansas policy of the Buchanan administration Seward presents another objection which an American constitutional lawyer might consider to be dangerous. He asserts that no law of Congress can be enforced unless it agrees with the sentiments of the people. In a certain limited sense, of course, this is true; but not as stated by Seward. "Your power," he says, apostrophizing the Federal Government, ". . . is weakness, except it be defended by a people confiding in you, because satisfied that you are just. . . ." ² The principle is elaborated by Senator John P. Hale, of New Hampshire, who would become one of the most prominent Republicans in the country. "If," says Hale, "the moral sentiment of the people among whom the laws are to be enforced is not sufficient to enforce them, they cannot be enforced. It is not in the power of the Army and Navy of the United States to enforce this [Fugitive Slave] law in Boston unless the people of Massachusetts sustain the law. . . . It [cannot be enforced] . . . if the moral sense of the people of Boston is against it." ³

If it be objected that the radical Charles Sumner was but a

¹ Letter of Seward to Abolitionist Convention of Massachusetts, at Auburn, N. Y., April 5, 1851, in: *Congressional Globe* (henceforth designated as *C. G.* or *ibid.*), XXV, in speech of Representative Meredith P. Gentry of Tennessee, June 14, 1852, pp. 710-11. Italics added. See also: *ibid.*, XXI, Part I, p. 518. The same "compact" doctrine was used by Robert Rantoul of Massachusetts, who had been elected to the House of Representatives in 1851 by a combination of Democrats and Free Soilers and who, for his espousal of the doctrine was voted out of the Democrat convention which nominated Pierce for the Presidency (*ibid.*, XXV, pp. 794-96).

² *Ibid.*, XLIV, March 3, 1858, p. 944.

³ *Ibid.*, XXIII, Feb. 18, 1851, pp. 597-98.

minority voice when he similarly held that a law "must be in harmony with the prevailing public sentiment,"⁴ we have, in effect, the same doctrine from Representative Charles Durkee, of Wisconsin, a Free Soiler in 1852 and later a regular Republican. "The citizen," declared Durkee, "is a sovereign judge of his self-evident, reserved rights, as much as either the State or Federal Government is, of rights delegated to it by the people. . . . Who is to decide this matter? I answer, each man, individually, for himself."⁵

That they would not obey the Fugitive Slave Act the Northerners—and, be it noted, we are confining our attention to those who were soon to be members of the party of Lincoln—made quite clear.

Seward compared the measure to the attempts of the British Government to proscribe the Catholic religion in Ireland.⁶ It was more than once compared with the Stamp Act of 1765.⁷ The Revolutionary War parallel was stressed repeatedly. "The spirit which overthrew the power of the British Crown," said Representative J. R. Giddings of Ohio, "will submit to no force that shall attempt to constrain them [the people of the North] to comply with the odious provisions of this enactment."⁸ This same Congressman, who, significantly, would five years later be a Republican, delivered the following blast:

The men of the North, who look upon this [sending the fugitive slave back to his master] as murder, would as soon turn out and cut the throats of the defenseless negro as to send him back to a land of chains and whips. As soon would they do this as comply with a law which violates every principle of common justice and humanity. . . . The man who should assist in the capture of a fugitive, would be regarded by us as guilty as he under whose lash the victim expires. . . . To capture a slave and send him to the South to die under a torture of five years, is far more criminal than ordinary murder. Sir, we will not commit this crime. Let me say to the President, no power of Government can compel us to involve ourselves in such guilt. . . . Rely upon it, they will die first. They may

⁴ *Ibid.*, XXV, Aug. 26, 1852, p. 1111.

⁵ *Ibid.*, XXV, Aug. 6, 1852, p. 887.

⁶ *Ibid.*, XXIII, Feb. 17, 1851, p. 575.

⁷ *Ibid.*, XXIII, Feb. 18, 1851, p. 598; XXV, Aug. 26, 1852, p. 1111; XXIII, Dec. 9, 1850, p. 15.

⁸ *Ibid.*, Dec. 9, 1850, p. 16.

be shot down, the cannon and bayonet and sword may do their work upon them; . . . but never will they stoop to such a degradation. Let no man tell me there is no higher law than this fugitive bill. We feel there is a law or right, of justice, of freedom, implanted in the breast of every intelligent human being, that bids him look with scorn upon this libel upon all that is called law.⁹

The Northern Democrats, who favored the Fugitive Slave Act, were not slow in pointing out what they regarded as the perilous consequences of these "higher law" and "right-of-the-individual-to-disobey" doctrines. Senator Charles T. James, Rhode Island, denied that citizens had a right "to resist the execution of any law we may not happen to like." He felt that the victory of such a theory would be "destructive of everything in the form of government."

The higher law fallacy, James argued, postulated that we should do unto others as we would have them do unto us. This meant that since we ourselves, if we should be so unfortunate as to be condemned to a legal execution, for a crime, would wish that others would pardon us, hence any criminal—even the most flagrantly guilty—could claim from us the same indulgence, and we would be obliged to hear him. Thus, "it would be absolutely impossible ever to inflict legal punishment." The opponents of the Fugitive Slave Act appealed to philanthropy. It is unclear to James "how the cause of philanthropy . . . is to be promoted by a process tending to produce anarchy, strife, and perhaps civil war and bloodshed."¹⁰

Ironically, in view of later events, it was Senator Jefferson Davis who was found lecturing the Northerners for disobeying the laws of the Federal Government. The future President of the Southern Confederacy was disappointed at the rescue of the fugitive slave by the Boston mob in February 1851. "I regret it," he said, "because it is an indication of that downward tendency in the people of the United States, which seems to manifest that they are unworthy of the Government they have inherited. It is a Government that is wholly inoperative whenever the people cease to have sufficient virtue to execute it. Whenever mobs can rule, and law is silenced beneath tumult,

⁹ *Ibid.*, XIII, Dec. 9, 1850, p. 15.

¹⁰ *Ibid.*, XXV, August 26, 1852, p. 1123.

this is wholly an impracticable Government. It was not organized as one of force. Its strength is moral, and moral only. . . ." ¹¹

Davis pointed to an interesting contrast: "We of the South have been constantly arraigned as those who oppose the Government of the United States, who nullify its laws, and who manifest a violent resistance to their execution. The charge is as untrue as it is common. Look to the history of the country, and find in times past where the laws of this Government have been nullified. Elsewhere they have been; in the planting States, never." ¹² Apart from the Senator's apparent forgetfulness of the events in South Carolina in 1828-1832, his argument had a great deal of history in its favor.

One of the political weapons employed by Northerners against the Fugitive Slave Act was that of the petition. This was a protest signed by a group of citizens and presented to Congress. The theory behind these "memorials" was that private citizens enjoyed under the First Amendment the right to urge the repeal of a law of Congress. A flood of these petitions poured into the Capitol during the debates over the Omnibus Bill.

The Constitutional implications of the method were anxiously described by Senator George E. Badger, of North Carolina, who, understandably, did not like them. He noted that the Northern assumption was that if Congress "tabled" (i.e., did not receive) any of these petitions, the right of the petitioners was being violated. But, argued Badger, to hold this theory was to make Congress subservient to the wishes of any minority of the citizens who might disagree with a Congressional statute. Under such an interpretation, Badger complained, "Congress is not only obliged to hear but to act upon it [the petition], and . . . to do what is desired, . . . to substitute the judgment of the petitioners for our own." ¹³

¹¹ *Ibid.*, XXIII, Feb. 18, 1851, p. 598.

¹² *Ibid.*, p. 599.

¹³ *Ibid.*, XXIII, Feb. 17, 1851, p. 576.—For some examples of petitions see: XXIII, p. 575, a petition presented by Senator Hamlin of Maine on February 17, 1851: "We, the undersigned, residents of the town of Burnham, . . . regarding that law as in conflict with the Constitution of the United States, and also as infringing on the duties which we owe to benevolence, to humanity, and to God, and being unwilling to comply with its requisitions, or submit to its penalties, earnestly ask its speedy repeal or modification." See also petitions from Pennsylvania and New Hampshire, reaffirming the "higher law" doctrine:

If all this sounds like an assertion by Northerners that the authority of the Federal Government is severely limited by the powers of the citizens and the states, our surmise is strengthened by some further affirmations from the same sources.

Seward himself uses the rather startling term "purely federative government" with reference to the political establishment at Washington.¹⁴ Representative Rantoul of Massachusetts invokes against the Fugitive Slave Act the extremist doctrine of Jefferson with regard to the Tenth Amendment.¹⁵ Newton of Ohio told the House of Representatives that "the General Government have [*sic*] no more right or power to interfere with slavery [via the Fugitive Slave Act] in the States than they have to interfere with the forms of Government in the Old World."¹⁶ Representative Giddings declared that Congress had no more right to "support" the slavery of the South by the same Fugitive Slave Act than it had to sustain their banks, their railroads, or their system of apprenticeship, or the laws of those states respecting minors, or those which regulate the rights of husband and wife. He quoted the resolution of the House of Representatives of December 1838: "That this Government is a government of limited powers, and that, by the Constitution of the United States, Congress has no jurisdiction whatever over the institution of slavery in the several States of this Confederacy."¹⁷

An even more forceful expression of the theory of meagre Federal authority was contained in a speech of Senator James Doolittle in 1859. It is not without significance that, when he made the address, Doolittle was a regular Republican, and shortly afterward would become one of the chief advisers of President Lincoln. He is describing the principles on which he says the Republican Party is based. If the description is accurate, it is difficult to see how the Party's philosophy differs from the extreme States Rights "compact" theory of the Southern liberals.

in speech of Senator Hale of New Hampshire, XXIII, Jan. 29, 1851, p. 369; Memorial presented to House of Representatives on Jan. 10, 1851, from the Yearly Meeting of the Society of Friends, in Indiana: XXIII, p. 177.

¹⁴ Letter of Seward to Abolitionist Convention of Massachusetts, from Auburn, N. Y., Apr. 5, 1851, quoted in: XXV, June 14, 1852, p. 711, in speech of Representative M. P. Gentry, of Tennessee.

¹⁵ *Ibid.*, XXV, June 11, 1852, p. 794.

¹⁶ *Ibid.*, XXV, Aug. 12, 1852, p. 969.

¹⁷ *Ibid.*, XXV, March 16, 1852, p. 772.

Doolittle makes the rather surprising statement that "the party which is here organized under the name of the Republican Party stands precisely on the platform of the old Republican party of Jefferson, Madison, Monroe and Jackson."¹⁸ He recalls that, with very few exceptions, all of the present Republican Senators began their political careers as members of the old Republican party. These were the men who, when the Bank of the United States sought to enforce its charter, organized to strike it down. (One might be pardoned for seeing here an exquisite irony in the spectacle of an 1859 Republican glorying in the anti-nationalist and anti-Marshall-Story-Webster program of the Jacksonian era.)

More specifically: "There is not a plank in our platform today which does not conform to the principles of Jefferson, the man who, of all others, has ever been regarded as the true representative of the Republican party of this country." (This is a very large commitment for men who would within three years be asserting the rights of the Federal Government against seceded states. Doolittle could not be unaware of the sentiments of Jefferson as expressed in the Kentucky Resolutions, sentiments that would have been most embarrassing to the party of Lincoln if it had had to subscribe to them in 1861.) But the Senator insists that the real birth of the Republican party was in 1800: "We stand . . . upon his [Jefferson's] doctrines, and we fight for his principles."¹⁹

In a debate replete with ironies, one of the neatest is Senator Jefferson Davis' defence of the next logical step that a Northern State, outraged by the Fugitive Slave Act, might take:

I am not one of those, however anxious I may be to see this law enforced, who would advocate the use of the Army, to secure its enforcement. I hold that when any State in this Union shall choose to set aside the law, it is within her sovereignty, and beyond our power. . . . If the people of Massachusetts choose to nullify the law, if they choose to obliterate the Constitution, if they choose to deny the supremacy of the laws of the United States, they will have but one step more to take, and the impulse with which they will be moving will compel them to take it; that is, to declare the authority

¹⁸ *Ibid.*, Part II and Appendix, 2nd Session, 35th Congress, 1858-1859, Feb. 23, 1859, p. 1267.

¹⁹ *Ibid.*, pp. 1267-68.

of the United States abrogated, and the bonds of the Union to be no more over them.²⁰

More unexpected, perhaps, is the expressed willingness of some Northern Republicans to take Davis at his word.

One of the founders of the party of Lincoln was Senator William P. Fessenden of Maine. This was the type of Unionism he was holding in 1858:

We will stand by the Union of this country as long as it is worth standing by; and let me say to gentlemen that the moment the time arrives when it is to be used as an argument to us, 'you must yield on a question which you consider vital to your interest and your rights, or we shall take measures to dissolve the Union'; my answer is, that if we do yield, the Union has ceased to have any value for me. So long as I stand upon American soil, a freeman with equal rights with others, and power to enforce them according to my ability, unrestricted, unrestrained, and unterrified, this Union is valuable to me; but when the hour comes when that privilege no longer exists, when I hold my rights by the tenure of yielding to weak fears, I am willing to see any consequences follow, so far as I am concerned, or so far as my people are concerned. Let not gentlemen indulge themselves with the hope that so far as the people of the free States are concerned, all these resolutions passed by Southern legislatures about dissolving the Union, . . . are to produce any possible result so far as the determination of free-State men is concerned on this question.²¹

Echoing the foregoing was the affirmation of Representative John W. Howe of Pennsylvania, at this time a Whig:

They [the Northern people] would tell you, and they will tell you as I tell you now, that if this or any other law passed by an American Congress is too sacred to be discussed, or even agitated, if need be, and if the integrity of the Union depends upon their silence upon the subject, this Union is not worth preserving twenty-four hours. I want no part nor lot in any such American Union as that. I want nothing to do with a Union in which a Northern citizen shall be deterred through fear from giving his opinions of an act of Congress. . . .²²

²⁰ *Ibid.*, XXIII, Feb. 18, 1851, p. 599.

²¹ *Ibid.*, 44, Feb. 8, 1858, p. 618.

²² *Ibid.*, XXV, Aug. 3, 1852, p. 884.

And the declaration of Representative Giddings, soon (after 1854) to be a Republican:

A noble sentiment, to which I respond from the deepest feelings of my heart. [The President had invoked the sentiment of loyalty to the Union.] The Union of our fathers! There is something solemn in it. . . . I revere the Union of our fathers, . . . but where is it now? . . . Well, sir, I do not say that northern men have lost all love and regard for the Union. But one thing is certain, that they do not feel that reverence for it which once was so prevalent among us. They now speak of dissolution without hesitation. And if the Union be exerted for their degradation, by subjecting them to the provisions of the fugitive slave law, they would greatly prefer to see it dissolved.²³

While Senator Doolittle denies that any state, North or South, would ever go out of the Union, he tells of the resolutions passed almost unanimously by the Republican members of the Wisconsin legislature: they expressly adopted and incorporated, as a part of their platform, the Kentucky and Virginia Resolutions of 1798, "in relation to the reserved rights, sovereignty, and independence of the several States." While, says the Senator, there will be found no State more loyal to the Union than Wisconsin, yet, "there will be found no State more ready to maintain in full vigor, with greater energy, or more devotion, the reserved rights, sovereignty, and independence of each and every member of the Confederacy."²⁴

Senator Seward is less restrained in his statement of the right of a *Territory* to secede—or to wage war against the central Government: "If you attempt to coerce Kansas into the Union, under the Lecompton Constitution, the people of that Territory will resort to Civil war. . . . Let but one drop of the blood of a free citizen be shed there, by the Federal Army, and the countenance of every Representative of a free State . . . will blanch, and his tongue will refuse to utter the vote necessary to sustain the Army in the butchery of his fellow-citizens."²⁵

So marked was secessionist feeling in the North that South-

²³ *Ibid.*, XXIII, Dec. 9, 1850, p. 15.

²⁴ *Ibid.*, 44, March 4, 1858, p. 963.—Although it would be pushing semantics too far to build an argument on the point, it is notable that a frequently-used word by Northerners was "Confederacy" rather than "Union."

²⁵ *Ibid.*, March 3, 1858, p. 943.

erners could cite it without fear of serious denial. When Representative Horace Mann, of Massachusetts, accused the South of wishing to break the Union, he was quickly answered by Frederick P. Stanton, a Congressman from Tennessee. The charge of a desire on the part of the South to dissolve the Union, said Stanton, "comes with bad grace from men living in such a quarter [i. e., Massachusetts], and breathing such an atmosphere." Did the Representative from Massachusetts forget that disunion had been a familiar word with the people of that State for nearly forty years? Did Mr. Mann not know that petitions had been pouring into the legislatures of several of the Northern States, and into the Congress, asking a dissolution of the Union on account of the Fugitive Slave Act? ²⁶

"Sir," a Senator from Alabama could declare, "it is neither the Virginia nor the Kentucky resolutions which gave birth to secession. It has come to us from a less respectable parentage. [He recalls the Hartford Convention of 1814.] . . . It was then that the right of secession was first proclaimed, and it is in that latitude that some of its warmest supporters are yet to be found. I cannot forget the terms of a resolution adopted at Syracuse [New York] last spring, when the Abolitionists were patting South Carolina on the back, and stimulating her to go out of the Union: 'Resolved, That odious as are the governing principles of South Carolina, we cannot withhold from her the praise justly due her for her consistent maintenance of the great cardinal doctrine of the right of secession by a single State—a right vital to liberty, and the only safeguard of the several sovereignties, from a grasping centralization.' Sir, here is a singular concord of sentiment, Southern rights clubs South, and Abolition conventicles North, giving us the same definition of States Rights, and teaching Democracy from the same horn-book." ²⁷

Duplicating, but in a new form, the unintended irony remarked above in the case of Jefferson Davis, the Senator from Alabama then proceeds to a long defense of the Union and its perpetuity, and strongly attacks the extreme Secessionist theory of his Northern colleagues. ²⁸

²⁶ *Ibid.*, XXII, March 11, 1850, p. 498.

²⁷ *Ibid.*, XXV, Dec. 24, 1851, p. 95 (Senator Jeremiah Clemens).

²⁸ *Ibid.*, loc. cit.

The Dred Scott decision set off another chain reaction of Northern denials of the authority of the Federal Government—this time with regard to the Federal Judiciary. And all the politicians to be here quoted were, by this time, regular Republicans.

The Supreme Court, declared Senator Doolittle, in language not differing from that of Governor Faubus of Arkansas in our time, “had not the right to decide for the people of this country, and beyond any appeal, their political opinions.” He conceded that the Court had the right to decide a given case, and that so far as that case was concerned, there was no appeal; but the decision was final only as regards the specific case decided. The decision “by no means decides any other case”; it “neither binds other [State] supreme courts nor any other department [of the Federal Government].”²⁹

Senator Fessenden, that stalwart member of the pioneer band which founded the Republican Party, spoke thus of the powers of the Supreme Court: “It [the Dred Scott decision] is binding so far, and so far alone, as it [the Court] can issue its mandate. Its opinion is of force only upon the question which settles the cause. . . . When they [the Supreme Court Justices] undertake to settle questions not before them [such as the constitutionality of the Missouri Compromise] I tell them those questions are for me as well as for them.”³⁰

Fessenden added an even more telling argument, based on the fact that, at the moment, he was answering the Senator from Georgia. He quotes the highest court of that State as declaring that “The Supreme Court of the United States has no jurisdiction over this court, or over any department of the government of this State.” And the words of the same Georgia court are adopted by the Republican Senator to support his own position against the Dred Scott opinion: “The doctrine that a decision of the Supreme Court of the United States is to dictate a man’s politics to him, is a doctrine avowed by a few in this country. Such a doctrine would be an easy means of perpetuating a dynasty of principles, however false and wicked. . . . Partisan decisions [of the Supreme Court] may . . . bind the political party which the makers of them happen to belong to. They

²⁹ *Ibid.*, Part II and Appendix, 2nd Sess., 35th Cong., 1858-1859, p. 1268.

³⁰ *Ibid.*, 44, Feb. 8, 1858, p. 616.

certainly bind no other party. . . . The Supreme Court said a bank is constitutional; yet, bank charters have been vetoed by three several Presidents, Madison, Jackson, Tyler. The same court say we received such a mandate from the Supreme Court of the United States, but we treated it with contempt.”³¹ The world might indeed be regarded as being somewhat topsy-turvy when a pioneer chief of the Republican party would rest his case on principles used by a States’ Rights court to curb the authority of the supreme Federal judiciary.

We may therefore conclude that the habit of obedience to the Federal Government had been considerably weakened in the decade before the outbreak of the Civil War. Proof of this fact is found in the frequent attacks on Federal authority by men who were its professed defenders. If we seek a single cause of the Civil War, this may be the most outstanding. A government whose right to command was so challenged might soon expect to discover itself facing a large-scale rebellion.

³¹ *Ibid.*, p. 616.

YANKEE RACE HORSE: THE U.S.S. *CONSTELLATION*

By CHARLES SCARLETT, JR., LEON POLLAND, JOHN SCHNEID
AND DONALD STEWART

THE U. S. Frigate *Constellation*, named by President Washington for the constellation of fifteen stars in the new American flag, put to sea from Baltimore on June 24, 1798, and proceeded to the West Indies. She was the first ship commissioned by the recently established Department of the Navy, and soon afterwards, off the island of Nevis, she was to be the first to engage, defeat and capture an enemy warship, *L'Insurgente*, pride of the French Navy. It is not likely that any naval vessel will see such length of service again, for her last assignment was that of flag ship of the U. S. Atlantic Fleet in World War II.

One of the major responsibilities of the *Constellation* Committee of the Star Spangled Banner Flag House, custodians of the Navy's first ship, has been to assemble documentary material dealing with her structural history. After study and interpretation of that material, it can be soberly and realistically stated that by all reasonable standards the *Constellation*, at present back home in Baltimore undergoing repairs, is the frigate that was launched on Harris Creek in Baltimore in 1797. She has known changes in form and fabric, but she was never "destroyed," as claimed, nor did she at any time lose her identity.

By 1852 the old warship, lying in ordinary at Gosport Navy Yard (Norfolk), was found to be badly in need of repair, particularly in her stern section and bulwark area. Some felt the necessary repairs were so extensive that it would be impracticable to refit her for combat. Perhaps it was the ringing appeal for the Frigate *Constitution* of Oliver Wendell Holmes' poem, "Old Ironsides," that moved the Bureau of Construction and Repair again to make a farsighted decision to preserve the

structural integrity as well as the spirit of its oldest surviving historic craft. The *Constellation* was not to be destroyed and "legislatively rebuilt," nor was she to be expanded in all her dimensions, re-using a few old parts, and fitted with steam power . . . as suggested ways of circumventing a Congress that would authorize no new ships.

Rather, into a major conversion and in complete accord with the then current modernization program of the Navy, would be introduced two fundamental changes that would provide the speed, the stability and the disposition of buoyancy for the much larger guns of a modern warship. The *Constellation* would be lengthened by cutting her in two aft of frame Number Ten and fairing a new twelve-foot section into the body, and her bulwarks and guns would be removed from the spar deck. By thus concentrating her armament on the gun deck she would become a modern razeed first-class sloop-of-war. "It is believed by the yard contractors," the local press at Norfolk was able to observe, "that the new ship will be equal in size and guns to any fighting ship on the sea."

Some researchers in naval history since 1907 have advanced the opinion that the original ship was actually destroyed during the "rebuilding" of 1853-55 and an entirely "new ship" substituted. The present *Constellation* was literally, they say, a new ship built in 1854 and was by way of being a subterfuge foisted on the American Congress by the Navy. Their contention is based on the fact that the known plans and offsets for the thirty-six gun frigates proposed in 1794 by Joshua Humphreys, Chief Naval Constructor, did not conform to the frame spacings or highly advanced contour lines lifted from the hull of the vessel at Gosport, and on the arbitrary (and unique) opinion that a wooden ship becomes an entirely new ship when less than fifty per cent of her original structure is left on board.

Although Major David Stodder, her original Baltimore builder, was directed to cut his timber to the molds forwarded by Humphreys in December, 1794, and to follow the plans delivered to him February 18, 1795, he instead used his own model and mold loft to change the basic structure, giving the hull of the present *Constellation* her fast Chesapeake clipper-type lines. Josiah Fox, Humphreys' assistant, who made affidavit to the fact that Stodder drafted the *Constellation*, cooperated

in obtaining the sanction of the Department of War for these alterations. Our copies of documents furthermore chart a normal and orderly rebuilding of the ship at Gosport between 1853 and 1855 as well as elsewhere in additional repairs.

To correct unfavorable publicity coming from that misconception and to advance the cause of the ship's preservation, the Committee present here the recently acquired notes on the subject written by Franklin D. Roosevelt when he was Assistant Secretary of the Navy. They were prepared in the course of his life-long study of our original frigates and because of his official interest in a bill before Congress to refit the *Constellation* for a centennial celebration in Baltimore Harbor of the writing of the Star-Spangled Banner on September 14, 1814. The Committee have authenticated this work by citing pertinent documentary references and contributory findings in the body of the vessel itself. We believe the evidence is clear that the ship today has essentially the basic structure and shape of the 1797 frigate below the gun deck, with the reduced tumblehome of 1813, the rounded stern of 1829 and the extended length and gunport spacings of 1854.

When current repairs have been accomplished and her bulwarks are back in their original place on the spar deck, the frigate *Constellation* may once again proudly put to sea, a living symbol of the progress of our Navy since its establishment and the oldest and most original historic wooden ship afloat in the world today.

I

FRANKLIN D. ROOSEVELT ON THE *CONSTELLATION*, 1798-1855 *

Almost immediately after the close of the Revolution, American merchant ships began to suffer from the depredations of corsairs and

* The *Constellation* Committee has assembled a considerable body of documents, copies, plans, drawings and notes of examination of the ship itself during restoration work. Much, but by no means all, of this material has been tapped for the following notes.

While the Committee can cite a reference and/or archaeological source for each of Mr. Roosevelt's statements, it cannot be said that all these sources were known to or used by Roosevelt himself. By the same token, Mr. Roosevelt had access to sources now known to have been lost, or as yet unlocated.

All research into early American naval history has been severely hampered

privateers belonging to the Barbary States. By 1793 over twelve American ships had been captured and their crews were either sold as slaves or held for ransom.¹

On January 2, 1794 the House of Representatives passed a resolution: "That a naval force adequate to the protection of the commerce of the United States, against the Algerian corsairs, ought to be provided."²

Two weeks later six ships were authorized, four of 44 guns and two of 36 guns or 24 guns.³ The appropriation that was available for the building of six frigates was \$688,888.82, and it was agreed that if peace should take place between the State of Algeria and

since the complete destruction by fire of the Newport Naval Training Station Museum, January 25, 1946. Lost in this disaster were the Theodore Roosevelt Collection of Naval Papers relating to the War of 1812, some 300 early ship plans, and hundreds of original letters and documents, which included the bulk of documentary records pertaining to the *Constellation* possessed by the Navy Department.

We have, in regard to these items, made use of some of the copies which fortunately were made in years prior to the fire, as well as work done by other researchers from the originals.

The mis-filing of related documents in national record collections has brought its problems, necessitating much culling of extraneous material. The habit of "borrowing" official records in the years prior to the establishment of public repositories for records too has resulted in the scattering and loss of much material. Our collection of data is growing and doubtless will continue to grow.

Long ago, a pattern became apparent: Each newly found source only confirmed the historical and structural integrity of the *Constellation* as the Navy's first fighting ship.

ABBREVIATIONS FOR SOURCES

ASP	<i>American State Papers</i>
Barbary Wars	<i>Naval Documents Relating to the Barbary Wars</i> (U. S. Government Printing Office, Washington, D. C., 1939).
HSP	Historical Society of Pennsylvania, Philadelphia, Pennsylvania
JHL	Joshua Humphreys' Letterbooks
LC	Library of Congress
LDCF	Lenthall Document Collection, Franklin Institute, Philadelphia, Pennsylvania
NA	National Archives
NWCL	<i>Constellation</i> File, Library of Naval War College, U. S. Naval Training Station, Newport, R. I.
NWD	"Correspondence of Secretary of War when Navy was under the War Department 1790-98" RG 45 entry #374 National Archives
Quasi-War	<i>Naval Documents Relating to the Quasi-War with France</i> (U. S. Government Printing Office, Washington, D. C., 1935)

¹ See *Barbary Wars*, I for representative documents.

² ASP, I, "Communication of Secretary of War to the House of Representatives, January 20, 1794."

³ *Ibid.*, January 20, 1794.

the United States of America the work on the frigates should "No further proceed."⁴

Joshua Humphreys, a Quaker of Philadelphia, was asked to make calculations of materials and price needed to complete the ships of our Navy.⁵ On April 1, 1794 the Secretary of the Treasury was notified that President Washington had decided that the 44 gun frigates should be built in Boston, New York, Philadelphia and Portsmouth, Virginia and that the 36 gun frigates should be built in Baltimore and Charleston, S. C.⁶

On June 21 Joshua Humphreys was directed to erect a temporary building for the mould loft.⁷ On June 25 it was also determined that John Morgan should be the constructor at Norfolk and Joshua Humphreys at Philadelphia.⁸ Henry Jackson was appointed naval agent at Boston, John Klagge at New York and Jeremiah Yellot at Baltimore.⁹ All materials and labor would be procured by the Naval Agent and he would receive a commission of 2½ percent of all materials purchased and of all men for the construction. Also the captains appointed to be masters of the respective ships would serve as superintendents of construction to the ship which they were to command after completion.¹⁰

Captain Truxtun of the un-named frigate in Baltimore (known as Frigate "E" at that time) was assigned by Humphreys¹¹ to draw and design all of the standing rigging, spar and sail plans for the six frigates, while Joshua Humphreys was making detailed drawings of the hulls and measurements of the respective frigates.¹² In connection with the details of Humphreys are the following:¹³

⁴ *Ibid.*, January 13, 1796.

⁵ *Ibid.*, January 20, 1794. The finished estimates are in NWD, pp. 21-4, May, 1794.

⁶ *Ibid.*, December 29, 1794. --

⁷ NWD, Knox (Secretary of War 9/12/1789 to 12/31/1794) to Humphreys, June 21, 1794.

⁸ For Morgan's appointment, see NWD, Knox to Morgan, August 8, 1794; NWD Knox to Humphreys, June 28, 1794 states Humphreys' appointment, with compensation to date from May 1, 1794.

⁹ NWD letters to Navy agents, June 1794.

¹⁰ NWD pp. 52-4, Memorandums #1, #2 and #3 from Knox to Constructors and Superintendents. Of particular interest is Knox's dictum to Constructors: ". . . Particular Directions will be given to you relatively to the preparation of the ships, a draught and moulds for same, to which you are undeviatingly to adhere . . ."

¹¹ Undoubtedly an error; Humphreys assigned no one to do this, and did not have the authority. The use of Humphreys full name immediately after this bears out the error. It was Knox who assigned the task of drawing up a list of spar dimensions for the frigates—see NWD June 27 and July 6, 1794. NWD p. 41 begins the spar dimensions for a 36 gun Frigate of the Constellation class.

¹² JHL, June 5, 1795; NWD, May 12, 1794.

¹³ For dimensions and offsets of 44 and 36 gun Frigates by Joshua Humphreys, see NWD July 30, 1795 *et. seq.*

44 gun frigates of war

Length of gun deck from rabbet of stem to post—174 feet—10½ inches

Length of keel—145 feet

Molded breadth of beam in the extreme part—43 feet—6 inches

Height of wing transom above rabbet of the keel—25 feet—8½ inches

Height of lower deck transom above rabbet of keel—20—9 inches

Height between gun deck and lower deck—6 feet—4 inches

36 gun frigates of war

Length of gun deck from rabbet of stem to post—163 feet—7 inches

Length of keel—136 feet

Molded breadth of beam in extreme part—40 feet

Height of wing transom above rabbet of keel—24 feet

Height of lower deck transom above rabbet of keel—19 feet—2 inches

Height between gun deck and lower deck—6 feet

In both types of frigates the keel was constructed of good sound white oak in three pieces, the middle piece not to be less than 30 feet.

In June, 1795 work had to be stopped on the frigates in Portsmouth, N. H., Boston, New York and Norfolk as supplies were not available. Work was continued on the frigates at Philadelphia and Baltimore.¹⁴

Construction and Repairs

Contract Frigate "E"—Baltimore

At the Baltimore shipyard of David Stodder the ship known as frigate "E" had her keel bolted together and laid on the blocks by December, 1795.¹⁵ Two thirds of her oak timbers and framing had arrived and part of it had been bolted together for frames.¹⁶ Samuel and Joseph Sterett had taken the position of naval agents in the building of frigate "E"¹⁷ and Major Stodder not only had labor

¹⁴ *Barbary Wars*, 1, pp. 70, 150-1.

¹⁵ *ASP*, I, "Statement of Progress of Work on the Frigates," December 12, 1795.

¹⁶ Delay due to many causes was evident, since as early as May 14, 1795, Truxtun wrote to Secretary of War Pickering (1/2/1795 to 2/5/1796) that ". . . We have the keel pieces and keelsons etc. in the yard and *most of the live oak dressed out to the moulds and bevellings . . .*" (italics by the Committee). (Letter in Henry Huntington Library, San Marino, California.) Truxtun went on to say that he saw no reason why the ship could not be finished by Christmas 1795. See Eugene S. Ferguson, *Truxtun of the Constellation* (Baltimore 1956), pp. 118-9 for discussion of delays due to timber supply, errors, lengthy correspondence, etc. The stern frame was not raised until February 5, 1796 (See Ferguson, *op. cit.*, p. 126), and the completed hull was launched September 7, 1797 (Truxtun to Humphreys September 7, 1797, Humphreys' Correspondence HSP). A copper spike bearing the stamp of the year of launching has been recovered from the lower hull of the *Constellation* during the restoration at Baltimore.

¹⁷ NWD August 8, 1794 refers to the appointment of the Sterett brothers.

trouble while the ship was building but did not agree with Humphreys' plan or Truxtun's supervision of the building.¹⁸ During the early stages of building, frigate "E" was given the name

¹⁸ ". . . did not agree . . ." is a mild description of Stodder's attitude. Josiah Fox wrote to Truxtun (April 2, 1795—letter in Fox Collection, Peabody Museum, Salem, Massachusetts) passing on the second-hand but none the less rousing information that Stodder was "contemptuous" of the whole proceedings. The Baltimore Constructor maintained he could do a much better job of drafting and moulding a frigate than Humphreys. According to Fox's informant, Stodder declared he would follow neither draught nor moulds nor any directions from the War Office, and that he would not take orders from any officer in his yard.

The receipt of this letter by Truxtun touched off a three-way correspondence between Truxtun, Stodder and Pickering. Truxtun fired off a complaint to the War Office on April 6 (letter apparently now lost, but the date and contents are clear from Pickering's reply the following day). The Secretary replied April 7, 1795, making it clear that Knox's arrangements (see note 10 above) gave any Superintendent full authority to enforce the Government's plan of building. Truxtun would have the power to discharge the Constructor as an extreme measure, but he was urged instead to smooth matters out. The same day Pickering wrote a curious letter to Stodder, devoting a lengthy opening paragraph to the fact that an "important personage" had been "rendered uneasy in his position," and stressed the importance of maintaining "harmony" at all costs. The absence of a straightforward statement of limits to the Baltimore Constructor such as was given to Truxtun is explained by later correspondence (see below and note 21), which indicates that Pickering already knew that Stodder was not following Government plan, and had in fact concurred in this, with Fox's agreement. The balance of the letter affirms that the plans of construction adopted by the War Department are to be exactly followed unless advantageous suggestions are made, in which case prior Department approval will be sought. These two letters may be found in NWD under the dates indicated.

Stodder replied within a week to a letter of Truxtun's to him (since lost or missing but evident from his reply): ". . . I must say to you Sir that I have all of my facilities, and for your information I have Mr. Pickering's authority to change the draughts and moulds of this frigate. (Italics by Committee) Mr. Humphreys, I must remind you has had little experience in building other than merchant ships . . . and he being a quaker shoud' be catholic in his design of ships of war. I have been in agreement with the War Office . . . besides even you have disagreed with Humphreys on more than one occasion. I beg you not to write to Humphreys of this matter as Mr. Pickering will tell you he agrees with me as does the brothers here on materials and instructions. I also ask that you act more in the manner befitting a masonic brother and show some amount of trust in your fellows. I am with respect, David Stodder" (letter, April 14, 1795, in NWCL).

If prior to April 14 Stodder had authority for such basic changes from Pickering, then Pickering's painfully worded letter urging "harmony" becomes very clear. That this interpretation is valid is shown by Pickering's clear statement of May 18, 1795 referred to in note 21 below.

Whatever Pickering wrote to Truxtun in explanation of these changes is now either missing or lost. However Truxtun did write to Humphreys April 19, 1795 (Humphreys Correspondence HSP) saying he had told Stodder in "plain terms" that the Frigate would be built according to directions received from the War Office. Which directions are not specified. It is interesting that Stodder, Truxtun, and Pickering were Masons, whereas Humphreys was not, although the extent of the influence this had in the above matter can not be established.

"Constellation" by President Washington.¹⁹ Her name was for the constellation of stars in the flag and, as expressed by many, for the stars in Washington's crest. (Many believed that Washington changed her name from *Senate* to *Constellation*, but there are no records to prove this claim.)

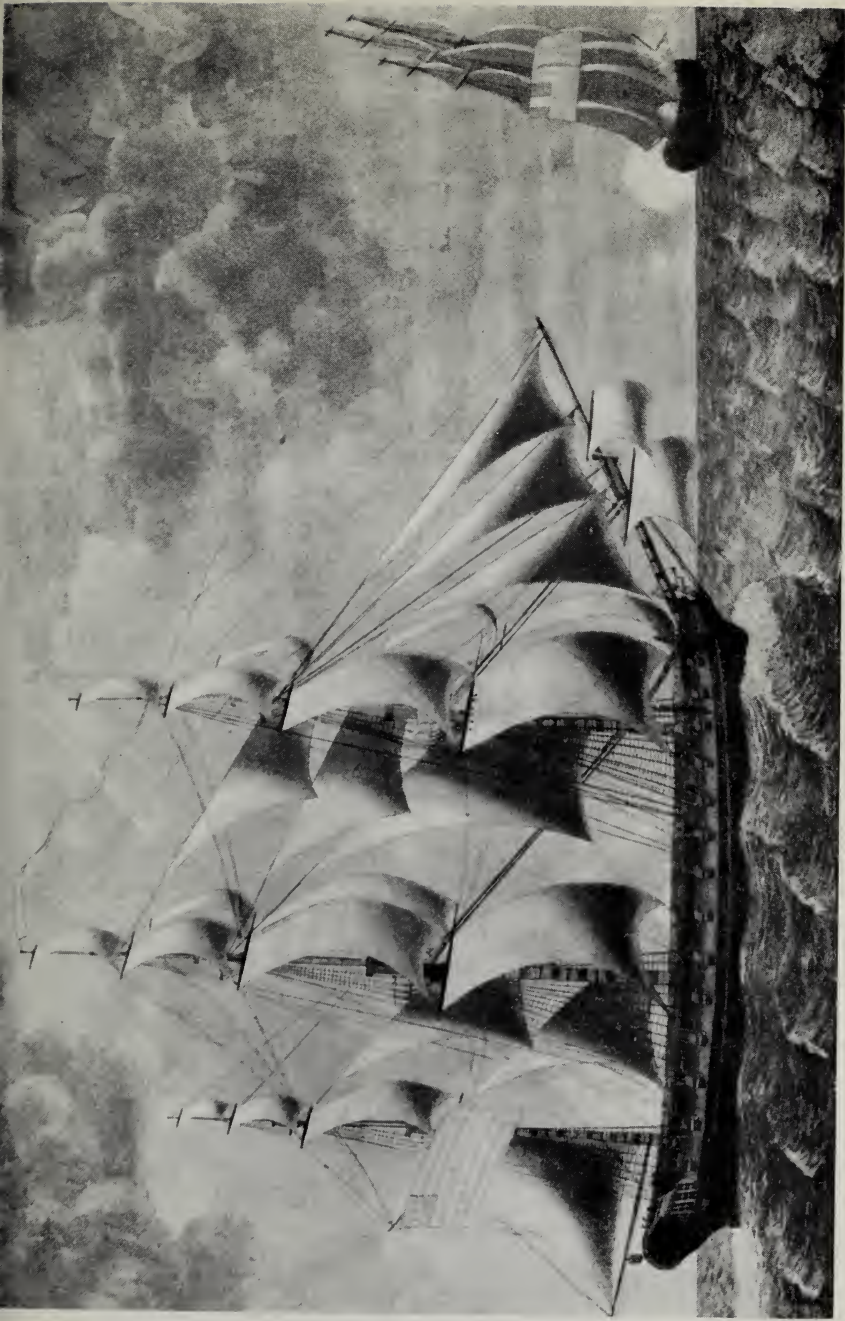
Truxtun often tried to calm Major Stodder who did not agree with Joshua Humphreys' mould or draft. Truxtun did not agree with the master designer and received permission to leave out the diagonal riders from the new ship.²⁰ Truxtun spent many months with his family, and Major Stodder broke his word; after promising to follow instruction on the building, he changed the entire lower structure of the *Constellation*.²¹ The length when completed was

¹⁹ See Ferguson, *op. cit.*, p. 125 for particulars on the designation and naming of the Baltimore Frigate.

²⁰ NWD, McHenry (Secretary of War 2/6/1796; transferred Naval affairs to Navy Department 6/17/1798) to Truxtun, November 2 and December 5, 1796. Truxtun also won out in using white oak instead of pitch pine for the beams (see *Quasi-War*, I, p. 337). Truxtun was not the only one to disagree with Humphreys; NWD May 12, 1794, Knox to Wharton, contains a request for Wharton to evaluate Humphreys' and Fox's plans for the Frigates, indicating that Fox had for this time at least, equal consideration. NWD pp. 60-85 contains Humphreys' revisions to estimates resulting from a like query. Fox, in two letters, both May 12, 1795 (NWD) is given the credit for the draughts of the first Frigates. Other correspondence in NWD 1790-95 clearly shows the entire program was influenced by the opinions of many men who were approached by the War Department.

²¹ Not without sanction however, as shown by Stodder's statement in note 18 above; his authority for this assertion is contained in a letter from Pickering to Stodder, May 18, 1795 (NWCL) as follows: ". . . I have asked all the builders to communicate with me on new ideas which will benefit the Frigates. Mr. Humphreys may protest, but *I assure you I will support your changes in the molds and design.*—You are the second person to inform me of Humphreys protests and I must remind Mr. Humphreys of his status and of the considerations I have given the builders, to improve his ships. I have informed him that you are the owner of a navy-yard and also a master-builder and that *your changes as displayed in your model are in accord with Mr. Fox and the War Office . . .*" (Italics by the Committee).

The most fundamental change from the Government's design was of course in the frame spacing—which seems to have caused difficulty for those who have limited their study to only the Government plan (Copy of which by William Doughty, 1796 is in the Naval Academy Museum, Annapolis, Maryland) and the ship itself. This plan called for 26 inches timber and room; the *Constellation* has 32 inches timber and room. There is a letter by David Stodder (Stodder to Pickering, April 30, 1795, Pickering file, HSP) which contains the original frame spacing of the ship as constructed. In this letter, from the "Naval Yard, Baltimore," Stodder was writing a plea for a different bolting system than stipulated by the Government plan of construction: ". . . The bolting the floor of the ship is one of the most essential parts, tho' the weight of a bolt of 1½ of an Inch is as much as two of 1½ of an Inch, yet I am convinced that bolt cannot possibly answer the same purpose as the two therefore it must be wrong—*The keel is 18 In broad Timber and room 32 In.* there is 4 feet 2 In. distance from bolt to bolt on each side . . ." (Italics by the Committee). That the Navy Department was aware of this fact 57 years later is shown on sections, presumably for docking prior to the 1853 reconstruction (NA Plan 107-13-4B, which was



CONSTELLATION AND L'INSURGENTE—THE CHASE.

FEBRUARY 9, 1799.



THE FIGUREHEAD: U. S. SHIP CONSTELLATION.

164 feet, the beam 40 feet ²² but the frame spacing and the structure of the ship which was hidden from view was the work of one David Stodder, the Baltimore builder.²³

In 1812 the *Constellation* was moved from her berth at the lower

not made from the ship but from Bureau records), accompanied by a sketch of the frames of 32" apart, and the notation, "old."

Pickering's statement of approval for "changes in molds and design" implies changes in shape as well as internal construction. That a change in shape did occur is substantiated by a letter from Truxtun to a member of the House of Representatives (Truxtun to Livingston, 22 May 1798 NWCL): "... I must say though we probably have a better ship through the efforts of Major David Stodder—the constructor here . . . his new ideas in the form of the bow will most likely increase the speed through the water of the hull . . . I praised Stodder's ideas and his launch was most successful . . ." See also Tingey's comment on this same feature in note 24, below.

Other changes are also a matter of record; NWD letters of April 22 and April 28, 1795 deal with suggestions on copper bolt sizes. The Stodder letter quoted above belongs to this series. There were also changes in the method of scarfing the keel pieces as mentioned by Humphreys to Truxtun May 28, 1795 (JHL) including mention of Stodder's model for this. Pickering (NWD Pickering to Stodder, May 29, 1795) directed this model to be forwarded to the War Office for approval. It is evident that the model mentioned by Humphreys on May 28, proposed to him by Stodder May 17 (in a letter now missing but contents clearly described in the Humphreys reply), cannot be the model already approved by Pickering and Fox prior to May 18, and in fact prior to April 14 according to Stodder, (see note 18) involving "moulds and design." One gets the impression that Mr. Humphreys was simply by-passed in any but minor alterations of his proposals.

²² See note 29 below for discussion of beam of ship.

²³ That the Maryland Major used his own moulds and bevellings is evident from two documents previously set forth: his own letter of April 30, 1795 giving the actual frame spacing as 32", and Truxtun's letter of May 14, two weeks later, stating that the live oak was already cut to the "moulds and bevellings." As built the *Constellation* had less frames and more space between them than the Government's plan. The shape of each frame determined the finished shape of the ship. Also as the frames progress from the widest point of the ship, to the fore and aft, the outer surfaces of the frames are bevelled at increasing angles so that the planking will lie flush on the surface as it sweeps fore and aft along the sides of the ship. Moulds for the shapes of frames spaced 26" apart would not have the correct progressive curvature to be used every 32", and the bevellings would be different also—the differences becoming more and more acute near the ends of the ship. Having thus had to make up his own moulds and bevellings, and having produced a ship with "new ideas in the form of the bow," it is evident that Stodder's ship would show differences from the Government plan.

Further indication of Stodder's moulds being used is contained in a brief note to him by Pickering (NWD June 1, 1795) in which he is informed that some moulds for the *Constellation* previously sent to Georgia (for cutting and matching timber on the spot) were lost by fire. It is significant that it is Stodder who is asked to replace the lost moulds, rather than Humphreys.

Josiah Fox in later life wrote extensively about his activities in the early Navy, and left a document entitled "Sworn statement J. Fox—in the year 1835" (NWCL) crediting himself and Doughty with the drafting of virtually all the major Naval vessels of the first period of construction, except the *Constellation*, as follows: "... vessels of 36 guns—Congress and Crescent built to Algeria (*Constellation* drafted by Stodder) . . ."

end of the yard to the main dock where she could be repaired more easily. The ship had been in ordinary since 1808 when she had been stored in an in ordinary condition due to a great need for repairs. The Constellation was in very poor condition due to the fact she had been shot to rot and ruin in her many engagements with the French and Pirates of the Barbary States and also the fact that she had strained her upper works in being raised from the shallows of the Delaware just prior to her duty against the pirates.²⁴

The ship was brought up to the main dock in the Navy Yard and stripped down to her berth deck. Boats, guns, carriages, masts, spars, and rigging were newly made and her sides were bolstered and reframed with double planking. She came from the yard in much better condition than from the stocks in Baltimore.²⁵

In the rigging of the Constellation new iron works replaced the old line and wound works²⁶ and she became the first ship of the

²⁴ Statement of Captain Tingey, Superintendent of Washington Navy Yard "Washington, December 1811" (NWCL) gives details of the poor condition of hull, armament, and thinness of planking. In this statement, Tingey also notes the design of the ship as follows: "... This ship has a strange feature in that she is very sharp forward, and this probably accounts for her great speed—some of which is lost by the flat transom that runs from starboard to larboard and from the taffrail under water to the post..."

²⁵ Tingey, "Repairs 1812-1813" NWCL. See also File 1231-A, "Major Battle Damage, Repairs and Reconstruction to U. S. Ship Constellation 1797-1855," Admiral W. L. Capps at direction of Truman H. Newberry Assistant Secretary of Navy," NWCL (c. 1905-08—the file is undated but these years are the only ones Capps and Newberry held these respective offices). This file must be used with caution in view of Admiral Capps' tendency to stipulate "new" for timbers that from his very own report could not have been removed, but were only repaired, added to, or otherwise renewed rather than replaced entire.

Significant findings in the vessel itself from this period include Washington Navy Yard nails, some marked with "T" for Tingey; and spikes with Washington markings and dates from 1808 to 1812.

In exploring contemporary descriptive material of the ship as she was in 1812, a document was found in the Library of Congress (LC Naval Foundation Papers, Tingey and Charles Stewart letters) giving a partial description of the ship January 2, 1813: "... the ship has been fitted for two air ports on both hull sides to permit fresh air to pass through the ship while in port. One air port is cut just forward of the quarters on each side and one on either bow aft of the stem. These are sealed with a brass tompion and ring and can be removed by pulling with a line from the fore yard and aft boat boom..." As the hull planks were removed during the restoration in Baltimore in the fall of 1960, the remains of this feature were found in a starboard bow cant frame, four feet from the stem, and two feet above the berth dock. This air port is of a different size (10" diameter) than the much later brass-fitted portholes added to the ship after the alteration to a sloop in 1855 (these were 15" holes). The presence of this frame, by the way, says much about the shape of the bow and stem never having been altered since 1812 at the latest, since a differently raked stem, and differently curved bow would not admit the retention of this timber.

²⁶ Tingey "Statement": "The wound work of the masts should be renewed and in their sted-iron should be used to provide im-movabl' strength for masts and booms..." The iron work referred to is still a part of the ship today.

navy to carry iron work on her masts and spars, not to mention the complete new tarred line and running rigging; all eyebolts, bands on both masts and tops, cross trees and the spirit, and all supports were of hand beaten iron. Some 1,000 men were employed in any number of spots preparing the new iron for her masts, spars and spirit.

In 1830-32 the *Constellation* was again repaired but not as much as the works of 1812 and of the later work at Gosport from 1853-55.²⁷

It must be understood that the frigates had to be repaired and re-masted about every thirty years so that they would remain in a seaworthy condition. On board the frigates a number of the crew were assigned to work that only should have been assigned to a shipbuilder, but repairs had to be completed after every battle, storm or grounding.²⁸ The crews of the frigates reworked masts, rigging, replaced torn copper and every year at least a piece of hull plank had to be repaired, even while at sea.

The carpenter's mate was a busy man and most of his supplies and materials were either carried holed in the lower ship or in the case of masts and spars, were carried running from bow to stern through the channels of the ship. Pitch, tar, oils and all tools were carried aboard that would have been used in a shipyard of those days. Some members of the crew were even capable of carving and restoring carvings that might have been carried away in storms or battles. Though usually simple men, the masters, officers and crew of the frigates were tough and capable men with a trade that had benefited them at sea.

The *Constellation* was rebuilt and repaired many times from the date of her original launch in Baltimore (September 7, 1797). In 1812 she was rebuilt by Captain Tingey of the Washington Navy Yard and her beam in the extreme increased two inches.²⁹ From

²⁷ See NWCL File 1231-A for history of all repairs 1797 to 1855, except 1839-40 (which are in NA RG 45, AL File) which were excluded as records were not available to Admiral Capps. Also see NWCL, Statement of Samuel Humphreys 1829 Repairs, for enlargement and rounding of stern.

²⁸ During the restoration work in 1959, a 2-pounder grape shot was found imbedded in frame 17, port side, just above the waterline. The last engagement that the *Constellation* participated in was with the *Mashuda*, an Algerian frigate, on June 17, 1815, so this relic is either from this battle or a prior engagement.

²⁹ It is not possible to reconcile the several figures given in the early records for the *Constellation's* beam, nor can it be clearly ascertained what each writer meant by the different terms used. The two facts that are certain are that the beam moulded—width from inside of port planking to inside of starboard planking at the widest part—was 41'0" prior to the alteration at Gosport in 1853, and is 41'0" now. (Lenthall letter NA RG 45 Letters from Bureaus December 18, 1851).

It is not clear what happened to the beam of the ship as a result of Captain Tingey's plan "... to remove excess tumble in the home come of the ship

1812 to 1848 the *Constellation* had driven herself to the Far East, the South American Station and in the term of nautical miles, had circumnavigated the globe about $6\frac{1}{2}$ times. During this period she had been overloaded with equipment, men and too many cannon, not to mention some 150 tons of kentledge which had warped her old keel and top keel.

Plans were drawn to rebuild the *Constellation*, first as a side wheeler steam frigate and later as a screw frigate.³⁰ Both plans were abandoned as there was much public support for the old warrior.³¹ A survey was held at Gosport in 1852 to decide the fate

... (Tingey Repairs 1812-1813 NWCL). There is no plan of the *Constellation* dating from prior to 1812 for comparison. There is however a drawing of the amidship section, dated January 11, 1839 (NA RG AS File) showing the outline of a marked tumble home. This is outlined in dotted lines from the 22-foot waterline upwards. From that point downwards the line is that of the ship today, and we infer that this sketch was prepared to show the old tumble home, since it is clear this was removed in 1812-13.

In the restoration work in Baltimore, it was found that numerous frames are of one-piece timbers from below the turn of the bilge to the line of lower gun port sills and may even be shown to extend to the spar deck, when remaining sheathing is removed. These hand-hewn one-piece long sections are concluded to date from 1812-13 when the tumble-home was reduced. It is significant for the present shape of the ship dating from 1812, that if the present sides are projected upwards above the spar deck, where the bulwarks would have been, the resulting tumble-home differs about 1 inch from that of the *Constitution*.

³⁰ See NA RG 45 "Bureau Letters" July 8 and July 11, 1845—also LCDF August 15 and 19, 1845, for correspondence suggesting conversion to steam, both of the *Constellation* and *Macedonian*. As indicated in an undated but later addition to the last letter mentioned above, Lenthall had virtually completed arrangements for a propulsion plant for the "Steamer *Constellation*." This man who will be referred to again in these notes, was Chief Constructor for the Navy during this period.

³¹ The subject of what to do with the *Constellation* is dealt with in frequent Bureau correspondence from 1845 to the eve of altering her in 1852. The best summary of suggestions is by Lenthall (NA RG 45 Bureau letters—enclosure December 18, 1851 to letter December 19, 1851, Skinner, Chief of Bureau to Secretary of the Navy), who concludes as follows: "... It thus appears to me that the old 'Constellation' should be abandoned if it is proposed to build a vessel of 3300 tons to take her place [this was a proposal to convert her into a super-frigate—see below] ... If the ancient renoun of this ship makes it desirable to retain her (for in point of economy there will be a loss) the plan heretofore under consideration of the Bureau seems well adapted to carrying it out ... " The covering letter, by Captain Skinner, gives the "plan heretofore under consideration." "... The best disposition would be to convert her into a sloop of war with a battery of heavy guns ... "

It is to be noted that Lenthall says "to retain her"—the ship, and not to retain only the name, to be used for an entirely different vessel, such as was done in the case of the *Franklin*, our first ship of the line, which was broken up at Portsmouth, N. H., in the same year alteration was begun on the *Constellation*. A new steam Frigate was built, bearing the old name (see *Franklin* packet, LDCF). Since much critical comment directed against the *Constellation* has included statements that in spite of the entire written record of Naval construction during this period, such a subterfuge was practiced on the *Constellation*, it is important to explore the source of such comment.

The Committee believes the source can be found in the correspondence and

of the aging ship. It was decided that at least a part of her could be preserved by rebuilding her and converting her to a first-class-sloop-of-war.³²

In January, 1853 preparations were made ready and the old ship was dismantled to her spar deck. With the aid of hundreds of men and animals, the ship was hauled up the blocks covered with tallow and black lead and into one of the huge shiphouses at

activity surrounding the Lenthall and Skinner letters of December 18 and 19 quoted above. Note that Lenthall is writing on a proposal to convert the *Constellation* to a vessel of 3300 tons, 240 foot length and 55 foot breadth. This proposal was made by the Commandant at Norfolk, Captain S. H. Stringham in a letter to the Secretary of the Navy, December 12, 1851 (NA RG 45 Letters from Commandants), and was acknowledged December 21, (NA RG 45 Letters to Officers). By the 19th however Lenthall had made and forwarded his opinion that such conversion was not possible, and Skinner, the Bureau Chief, seconded this conclusion and proposed alteration to a modern Sloop of War. His letter is also critical at some length of Stringham's grasp on the principles of good ship construction. On December 26 (NA RG 45 Bureau Letters) Stringham, quite hurt by all this, especially since the Secretary of the Navy himself was given Skinner's critical statements, writes himself to the Secretary what was involved in his idea: ". . . In submitting to the Department the proposition to repair and remodel the frigate *Constellation* I had in mind your recommendation to build every year two vessels, in order that the Navy may keep pace with the improvements of the age. Believing that it required a special Act of Congress to authorize this very desirable measure, and much doubting whether that body would act upon the recommendation during its present session, I ventured to suggest a mode by which I thought these difficulties might be remedied, and the work commenced. My proposition was, while retaining as a cruiser the name of one of the Navy's most gallant ships, to remodel and reconstruct her so as to embody all the late improvements in ship building. I regret to find by the letters from Commo. Skinner and Constructor Lenthall, to whom my communication was referred, that these officers misapprehended my proposition—My suggestion was, and is so stated in my letter, not to retain the shape and form, while lengthening and widening the ship—but to remodel, rebuild or reconstruct her without the slightest regard to her present dimensions, whether of length breadth depth, shape or form . . ."

Skinner and Lenthall "misapprehended" nothing! They knew full well that the Norfolk Commandant's suggestion meant an evasion of Congressional stricture, but rather than treat the suggestion as such they decided to dispose of it through censuring Stringham on the grounds of faulty ideas of construction. Stringham makes it clear in his reply that this proposal was his and his alone.

³² On January 21, 1851 the final recommendation of the Bureau of Construction went to the Secretary of the Navy (NA RG 45 entry #32): ". . . The Bureau therefore, in view of these facts, recommend that the Frigate "*Sabine*" at New York, and "*Santee*" at Portsmouth, New Hampshire, which have been on the stocks, the former since 1822, the latter since 1820, be completed to take the place of the "*United States*" and the "*Constellation*," the latter being a small Frigate mounting 18 pounders may be razed and made an efficient sloop of war. In this connection the Bureau would respectfully call attention to the fact that the entire number of sloops-of-war belonging to the Navy are now employed, with one exception, and that one could only be prepared for service at an expense equal perhaps to the cost of a new ship." To accomplish this it would be necessary to lengthen the ship to accommodate the larger guns.

See the Annual Report of the Secretary of the Navy for 1852, p. 630, stating this recommendation, and *ibid.* for 1853, p. 546, and 1854, p. 630, for carrying it out to completion.

Gosport Navy Yard.³³ For several months she was stripped down to her lower frames and planks which were suitable for reuse. These were calked up and her keel was spliced, adding some 12 feet to the length of the vessel. Her keel was warped, high in the center and low on the ends, and in August and September a shoe or extra keel was made which fastened onto her old keel to straighten it.³⁴

³³ In spite of published statements that the *Constellation* was destroyed in 1852 *sub rosa*, Bureau of Yards and Docks Correspondence January-June 1853 (NA RG 181) contains two letters, January 28 and February 24, 1853 showing that the frigate was not hauled up from the water until February 23rd, 1853, so that work could be commenced on her.

³⁴ First an initial survey was done on the ship immediately after being hauled from the water. The results showed a surprising amount of sound material (See Delano, Naval Constructor, to Hart, Chief of Bureau of Construction, February 27, 1853 NA RG 45): "... We find about $\frac{2}{3}$ Two thirds of the frame timbers, keel, lower piece of stem, stern post forward, and after deadwood good ... The plank on her bottom sound but require to be retreenailed ..."

Progress of the work is described in two chief sources: Testimony of Mr. Robert H. Davis, who worked on the alteration at Gosport, and the manuscript diary of Naval Constructor B. F. Delano, a distant relation of Mr. Roosevelt. The former reference is in NWCL; the latter is quoted at length by Mr. Roosevelt in a letter to Professor F. A. McGoun of Massachusetts Institute of Technology and may be found in NA RG 45 AR File. Mr. Davis was an apprentice at Gosport in 1853, later becoming a shipwright and appointed in the Confederate Navy. He related the story of the alteration to the *Constellation* to Captain W. W. Meade on September 17, 1904. Mr. Davis lived until 1918 and the *Constellation's* flag was by special order flown at half-mast May 8-10 of that year, at his death (NWCL Special order). Mr. B. F. Delano was the Naval Constructor in charge of the alteration of the *Constellation*.

Summary of work done is in NWCL File 1231-A, which gives retained portions of the ship as well as new construction. The Gosport Stores reports, (NA RG 19 Item #320) contain materials issued to and received from ship, including reused items in those parts of the ship actually repaired or altered.

Pertinent selections from these references are: Delano, March 1853 "... Planking from the rail to lower port removed together with frames and chain iron, with spar deck and gun deck removed ..." May 1853- "... Old copper composition removed from the Constellation hull and piled near the end of the shiphouse. New upper frames are being cut to join the lower while the ship is being cut to pieces to extend the body ..." July 1853- "... New pieces of shoe are being constructed to fit the old keel which is lengthened and still shows a sag on both ends. The low parts of the ship are being cottened and caulked as they are reusable ..."

Davis: "... Between February and June or July she was stripped down to her berth deck and it was decided her low decks were good as was her low frames and keel ... the old keel was warped, high in the center but low on the ends ... she had to have a piece of false keel graved in to straighten out her warped keel, and some small pieces fitted in to her old keel ..."

Capps, File 1231-A: "New material, timbers and exterior hull ... From the keel upward, False keel, $\frac{1}{4}$ of the keel, keelson and members, 15 foot 10 inch splice in the stem ... all new outside plank from the 15 foot line and to the rail, $\frac{1}{8}$ oak planking below the 15 foot line at lengthened area ..." It must be remembered that Admiral Capps was writing in summary form from the original records of repair. From his summary however, it was possible to verify the splice in the stem during the restoration work, and also the outside plank specified since below the 15 foot line several small graving pieces were found

The loftsmen and draftsmen at Gosport had their troubles with the old *Constellation* as she did not compare with Humphreys' plan of the ship which was drawn in 1795.³⁵ David Stodder's long forgotten grave held the answers. The Stodder changes of the *Constellation* and his idea of what a Baltimore ship should have and not have was the problem facing the chiefs of construction at Norfolk. After several years and with new plans the old *Constellation* became a sloop-of-war or corvette (French for large sloop) with 22 to 24 guns and longer by 12 feet. Her beam in the extreme never changed from Captain Tingey's building, but a razeed ship equal to any in the world was built from the bones and skin of the antagonist of the French.³⁶

Some 37 percent of the *Constellation* still remains in Newport. She has her stem, original keel excepting one section forward, most of her oak frames are still intact and some 136 tons of old wrought iron kentlege still strings along her hold. She retains knees from the hackmantack brought up in boats in 1796. The spirit and soul of the *Constellation* is still on board; may she always be a living inspiration to the nation.

Claims are that the *Constellation* was a new ship especially in

nailed into the planks marked "GNY" for Gosport Navy Yard; this indicates the plank itself was older.

As to the planning involved for such work, Admiral Capps who had access to the original records, states in File 1231-A: "... The Bureau Reports for the years 1853-55 state that while the new construction was being built to add to the old ship, the old ship was being torn down to meet the new construction and the timbers were even matched in the loft before the ship or its new construction were being prepared ..."

³⁵ Delano diary "January 1853—in pencil: "... Underwater body of *Constellation* does not match drawing of Humphrey plan or the sketched drawings of 1852 showing sections of the hull. This fact was discovered during the docking of this ship to fit her for blocking to draw her into the ship house ..."

Davis testimony: "... I will never forget the mess when it was discovered that this ship did not compare to the plans of her drawn in 1794 in Philadelphia. Someone was wrong, either they did not follow the plans or they built her from some other plans ... she had to have all of her ballast piled while draftsmen lifted the lines of her underwater from her hull ..."

The sections referred to in the Delano quotation are undoubtedly those of NA plan 107-13-4B, which show nine sections of the hull of the Humphreys design.

³⁶ For additional confirmation of the fact of alteration, the Lenthall Collection contains a document in Lenthall's handwriting, "Comparison of Weight of Hulls, of Rasee Vessels of War." In these three sheets of notes occur figures for the *Constellation* as a Frigate, as a "rasee before lengthening," and "as a razeed," with accompanying calculations. Of still further importance is the Inspector's report of January 1854 (FDR Library Group 10, Naval Affairs, Hyde Park, N. Y.) which states: "... the bottom is caulked and the decks have been replaced ... the counter rounded and the new guns delivered ... the iron work has been cleaned and painted and will be refitted on the ship and masting ...". The terms "replaced" and "refitted" are not applied to a new ship.

the opinion of Lenthall³⁷ who believed that a ship longer and with rebuilt decks and planks was indeed a new ship. If this were the case there would be new ships in our navy every year as old ships are being rebuilt and changed continuously in the navy yards. The *Constellation* has Stodder's building still on board³⁸ and she is in fact the same ship built in Baltimore in 1795. This situation was moved to be passed on by Congress for the repairs to the ship in 1914 and from the plans now framed in my office you can see the frames and hull of *Constellation* drawn from the ship during the survey of 1852 and the plans for her in 1855 are identical in the lower structure of the ship.³⁹ She is longer and she is a sloop, but

³⁷ Doubtless referring to the letter of June 10, 1858 (NA RG 19 Item #49) wherein Lenthall submitted a list of Naval vessels with dates of building, and lists *Constellation* as Sloop of War, built Norfolk, 1853. The Sloop model did of course date from 1853, and it is evident that the Department wished to consider her a new ship. As late as circa 1907 (File 1231-A NWCL), the Bureau of Construction and Repair officially stated, on the basis of Bureau Records 1853-55: "... The *Constellation* was actually built from the basic structure of the old Frigate *Constellation* and must be considered a new ship ... some persons in our Navy consider the new *Constellation* to be the old frigate, but a ship with less than 50 per-cent old material, and with the loss of form and length of the original model is a new ship ..."

It is clear that "newness" or "oldness" in this connotation is a matter of arbitrary opinion. It is not possible to argue—as has been recently tried—that because the ship changed her class or rate, she is "new" and therefore has no old materials in her. The confusion over newness of rate, and newness of material has been and still is a part of criticism directed against the ship.

³⁸ See letter of Captain Charles H. Bell to Secretary of the Navy, November 3, 1855 (Boston Navy Yard, File IX-21/M7-2 (N) 1931), commenting on his first cruise as captain of the sloop *Constellation*: "... I have found the sailing quality of the *Constellation* much to my liking, since the extension of the body. I do however find that the head spacing should have been raised in the tween decks and that many of her old knees should have been replaced in the last conversion ..."

³⁹ The plans of 1852 referred to may be assumed to be #41-9-1D "October 18, 1852—*Constellation*—Deck sheer, body, half-breadth," now carried by the National Archives as "lost in the mail—1942?" Other document copies in the Archives (formerly the Navy Department Archives Collection) are marked indicating originals turned over to Mr. Roosevelt, circa 1909-14 and these originals also were not returned.

From the description on the archives file card, Mr. Roosevelt's letter of July 31, 1913, as Acting Secretary of the Navy to the Director of the Bureau of Construction and Repair (National Archives, Record Group 19 #18013-E-3) and the statements in his article, it is evident that he had before him either a copy or a duplication of the plan of the ship drawn by John Lenthall, now in the Franklin Institute Library. This would have been the basic plan that was laid off on the mould loft floor, drawn from measurements of the ship taken during the docking of 1852 to fit her for blocking to draw her into the ship house. The indistinct and involved pencil trial lines in the bow of the plan of half-breadths may be an earlier attempt to draw the Humphreys ship, or they may be simply corrections made as accurate measurements were received from the ship. In any event they indicate an original drawing from a survey of the ship. Also the fact that the cross-hatching on certain upper bow yokes corresponds with those

she is still the same clipper type Constellation. She does not have Truxtun's and Humphreys' sail or hull plan as Truxtun's sail plan was changed by Tingey; Humphreys' hull and mould plan was changed by Stodder and all that was evident of change in 1797 was her thinned-out bow (clipper-type). Stodder did not suffer from this but was of high degree in his futuristic thinking and design.

The Constitution was of sufficient length to convert her to a sloop of war several years after Constellation's rebuilding. Constitution like the Constellation was rebuilt many times but did not have her length altered.

December 18, 1918

To — Roosevelt, disciple of John Paul Jones

So the off-sets for the present Constellation were taken from the lower structure of the old ship and these were laid out on the mold loft floor with an extension of 12 feet to the body. Now that you have proved your point and made everyone in construction mad at you, do you want the ship on the Hudson for a Christmas present.

Since I could not make you eat crow I will say All Good Wishes from all the Daniels family for this all [and] for all Christmases.

I am,

Sincerely yours,

(Signed) Josephus Daniels
(Secretary of the Navy)

Franklin D. Roosevelt Library
Hyde Park, New York

II

THE CIVIL WAR RECORD

The *Constellation* was recommissioned at Boston on June 12, 1859 and sailed under the command of Captain John S. Nicholas, USN for the African Station. She arrived off the Congo River on June 16, 1859, and was assigned as the flagship of Commodore William Inman, USN, to operate against slave traders who were running live cargoes from the area to the Southern

actually replaced according to the repair reports, along with the numerous calculations on the plan bear this out.

The Archives plan #28-3-5, dated June 1853, which is a development of this basic plan and the offsets taken from the mold loft floor dated 1853 would have been the ship as she appeared when repairs were completed at Gosport in 1855.

ports of the United States.⁴⁰ While on the station she captured several prizes, including the slave brig *Delica*, December 21, 1859, with 300 slaves and the bark *Cora*, September 26, 1860, with 705 slaves. All of the salvage from the ships, foodstuffs, etc., and slaves were landed at Monrovia, while the ships and crew were delivered to the U. S. Marshal in New York.⁴¹

The firing on Fort Sumter, April 12, 1861, occurred during the period of her duty on the West Coast of Africa, but the news did not reach the squadron for several months. On May 21, 1861 a brig was sighted, flying what appeared to be an American flag of the Revolutionary period. Captain Nicholas searched his flag book for this flag, but to no avail. He ordered a solid shot placed across her bow with the hope of not creating an international incident. The brig's name, "Triton" could have been registered with several nations, but when the brig sought escape to the open sea, the *Constellation* closed in.⁴²

Drums rattled, gun port shutters banged open and the guns poked long muzzles from the ports and the brig surrendered. A prize crew and a contingent of marines boarded her to inspect her papers. It was discovered that she was the brig *Triton* of United States registry out of Charleston, South Carolina, and was engaged in slave running. The prize crew took over and sailed her for Norfolk.⁴³ Off the Chesapeake a Federal blockade vessel gave warning to the crew: Norfolk had fallen to the hands of the Virginia forces in rebellion. The Gosport Navy Yard with its huge ship houses, stores, docks, and many ships of war including the *United States*, Decatur's famous frigate, and the steam frigate *Merrimac* were put to the torch by the navy to keep them from falling into the hands of the Confederacy.⁴⁴ The brig headed North and entered New York, but it was not until June 2, 1861, that the crew of the *Constellation* realized they had made the first official capture of the Civil War.

Captain Nicholas was sent home ill in June, 1861, and Captain Thomas A. Dorin, USN was given command of the *Constellation*. The ship left the squadron, sailing from St. Paul de

⁴⁰ *Ships' Histories; U. S. Frigate Constellation* (Navy Dept. Pub.), p. 8.

⁴¹ Allyn J. Crosby, *The Constellation and the Slavers* (Newport Naval Training Center Publication; August, 1936), p. 1.

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ *Ship's Histories*, p. 8.

Lloando on the African Coast, August 11, 1861, and dropped anchor at Portsmouth, New Hampshire, on September 28, 1861. She was then refitted for sea and on March 10, 1862, she received new guns including sixteen 8-inch shell guns, four long 32-pounders, and two 30-pounders. Parrott Rifles and two heavy howitzers were mounted on her spar deck.⁴⁵ Later in the month Captain Henry K. Thatcher, USN, was assigned as commanding officer and thirteen days later her sailing orders arrived, reading as follows: ⁴⁶

Sir:

The main object in sending the *Constellation* to the Mediterranean is the protection of our commerce from the piratical depredations of the vessels fitted out by those in rebellion against the United States. The principal one of these vessels, the *Sumter*, which has so far eluded our cruisers, when last heard from was in the vicinity of Gibraltar. Your chief duty will be the pursuit of that vessel, should she remain in that quarter. At the same time, however, you will exercise vigilance in all cases.

Gideon Welles

Secretary of the Navy

Secretary Welles seems overly optimistic for the *Constellation* in this letter, for the *Sumter* was an armed steamer in the command of a daring and resourceful naval officer, Raphael Semmes of Maryland. If the two ships had met in battle the result would have been an interesting encounter between steam and sail, both captains having been trained on the *Constellation*, Captain Thatcher as a midshipman and Admiral Semmes as sailing master during the Seminole Wars.⁴⁷

In April, 1862, the *Constellation* arrived at Cadiz, Spain and after making needed repairs, Captain Thatcher again put to sea. Like cat and mouse the *Constellation* and *Sumter* crossed wakes many times unnoticed by lookouts from either ship. On October 17, 1862, the *Constellation* was at Messina, Sicily, while the

⁴⁵ *Historic Navy Ships*, Publication by Navy History Branch (Navy Dept., Washington, D. C.), p. 5.

⁴⁶ Gideon Welles, Secretary of the Navy to Henry Thatcher, Capt. commanding USS *Constellation*, 10 March 1862, A. L. File NA, Navy Branch.

⁴⁷ U. S. Navy muster lists, US Ship *Constellation*, 1800-1844, NA. NB Naval Registers, 1825-1844 National Archives.

Sumter was at Gibraltar after capturing another prize.⁴⁸ News was received of a new enemy about this time: The Confederate armed steamer *Southerner*, which was built in England, was now in the Mediterranean engaged as a commerce destroyer. Again the hunted became the hunter, and Captain Thatcher was somewhat overly optimistic when he wrote the Secretary of the Navy: "If I am forced to engage her I will do what I can to cripple, capture, or destroy her."⁴⁹ The era of sail was drawing to an end, for an armed steamer would have a decided advantage over a sailing ship like the *Constellation*. No sails need be hauled or let down, no tacking with the wind to gain a position of advantage to deliver a broadside was needed for the steamer, but still many an old sea dog held to the belief in sail over steam, even after the loss of the *Cumberland* and other ships at Hampton Roads.

For the next two years the old ship was active about the Mediterranean guarding American shipping, and Captain Thatcher was there relieved by that dashing diplomat, Captain H. S. Stellwagen, USN. The summer of 1864 found the *Constellation* anchored in the harbor at Tunis to protect American interests in that country during its revolution.⁵⁰

Later touching at the Canary Islands, she reported to the squadron of Admiral Farragut in the Gulf of Mexico. She was assigned blockade duty between the port of Galveston and Havana, Cuba. On October 14, 1864, she anchored at Santa Cruz and found that the Confederate Steamer *Florida* had been there several weeks before. On December 14th she arrived at Havana and anchored beside the Confederate Privateer *Harriet Lane*, which was now flying British colors and had been renamed *Lavinia*. Several southern blockade runners and privateers were also in that port, but Captain Stellwagen, nevertheless, respecting the neutrality of the Spanish port, gave his crew shore leave.⁵¹ Reports of seamen from both the *Constellation* and Confederate ships drinking and dancing in cabarets to-

⁴⁸ State Department Correspond. minister at Cadiz, State Dept. Letters, 1862; also in letters received by the Secretary of Navy, for 1862, National Archives, Navy Branch.

⁴⁹ Captain's letters, Correspondence to the Secretary of the Navy for 1861-65, Navy Branch National Archives.

⁵⁰ *U. S. Frigate Constellation* (Newport, R. I., 1940), p. 10.

⁵¹ "The eldest ships of the Civil War" by Commodore Knox, LC, Naval Historical Foundation, typed document.

gether reached the ears of the captain, and this brought forth one of his more famous lectures to the somewhat drunken crew that came aboard wearing parts of uniforms belonging to the Confederate States Navy.⁵²

The *Constellation* again reported to Admiral Farragut at Mobile Bay, but owing to the fact she drew over 20 feet of water, she was strategically ill suited to the area. Moreover, since the time of enlistment for most of the seamen had expired, the Admiral decided to dispatch the ship to Norfolk with papers for the Navy Department, and on November 27th, the ship cleared the squadron. The old fighting ship headed north and arrived off Fortress Monroe on Christmas Day. The men were mustered out at Norfolk which by now had been recaptured by Federal troops, but not before the Southern forces had again burned the place. It was very clear that a new veteran crew could not be mustered, for the days of fighting sail were truly over. The *Constellation* was named as a training ship for new recruits, and many of her new trainees went on to bombard and storm the Southern beaches in the last days of the South's desperate fight.⁵³

It is interesting to note that many of the ranking officers of the navy, both North and South, were trained aboard the *Constellation*. Officers such as Farragut, Stewart, Cushing and Winslow on the side of the North and Buchanan, Semmes, Jones and Maury on the side of the South were either midshipmen or officers aboard the *Yankee Racehorse* from 1802 until the War.⁵⁴

Today the *Constellation* is the last remaining ship that fought in the Civil War, now that the *Hartford* since 1957 rests at the bottom of Norfolk harbor. The men who sailed on the ships in this great conflict are only a memory, but the valiant old *Constellation* alone survives to remind us of those who fought and died on ships of both sides in the Civil War.

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⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ U. S. Naval Muster Lists, US Ship *Constellation*, as contained in the Logs. Names of Officers of Navy and Marine Corp., 1802-1861, Navy Branch, NA.

MARYLAND VOLUNTEERS WHO SERVED ABOARD THE *Constellation* DURING THE CIVIL WAR *

Name	Rank	Enlisted	Discharged	Remarks
Barber, Franklin	Landsman	8/31/64	6/2/65	
Bohlman, Henry H.	Landsman	2/13/65	Deserted July 22, 1865	Unknown
Boon, Joseph	Landsman	4/23/64	12/14/65	Transferred
Bootman, J. W.	Ord. Seaman	12/16/61	1/25/65	
Brown, James	2nd Cl. Fireman	11/3/64	9/13/66	
Brown, William	Ord. Seaman	11/23/64	Deserted July 1, 1865	Unknown
Brown, William	2nd Cl. Fireman	2/9/65	11/2/68	
Cain, Timothy	1st Cl. Fireman	2/15/65	8/24/65	
Campher, Wm.	Landsman	7/7/64	7/6/67	
Case, Charles	Landsman	2/9/65	9/1/65	
Clark, John	Landsman	8/30/64	Deserted July 31, 1865	Unknown
Cohan, James	2nd Cl. Fireman	12/9/64	3/8/66	
Coleman, Richard	Seaman	2/9/65	6/21/65	
Cromwell, Alex.	Landsman	2/8/65	8/24/65	
Cross, John E.	Landsman	2/18/65	4/15/67	
Cross, Robert	2nd Cl. Fireman	2/7/65	9/6/65	
Dailey, John	Landsman	2/10/65	Deserted July 31, 1865	Unknown
Duncan, Wm. J.	2nd Cl. Fireman	2/15/65	Transferred to Ship <i>Mt. Washington</i> and to Ship <i>Alleghany</i> but did not report to <i>Alleghany</i> 2/13/67	Deserted 6/1/65
Dusch, Henry	Landsman	2/13/65	Deserted Nov. 2, 1865	Unknown
Emory, John W.	Seaman	3/17/65	7/17/66	
Fisher, Henry	Landsman	8/29/64	Deserted November 12, 1865	Unknown
Frentu, Frank	Ord. Seaman	11/28/64		Transferred to <i>Constellation</i>
Gamby, John W.	Landsman	4/21/64	8/23/65	from 19th U. S. Colored Troop
Gardner, George	Ord. Seaman	11/25/64,	11/16/66	

* Compiled from Records of enlistments of the U. S. Navy 1861-1865 records concerning the U. S. Ship *Constellation* for that period as found in the Navy Branch of the United States-Washington D. C. and directly copied from the original records by Donald Stewart, Exec. Secy. U. S. S. *Constellation*.

Those listed as deserted from the service marked *unknown* were persons who were never traced or brought back as deserters; those marked *captured* were caught and brought back for trial.

A landsman was a person that was considered a "landlubber," a person that had not been to sea. These "Landsman," were often promoted to other rank but were usually (laboreers) considered as kitchen help, coal loaders etc.—1861-75.

A 2nd or 1st class Boy were usually boys, who kept the officers' areas clean and served the officers on ship board.

<i>Name</i>	<i>Rank</i>	<i>Enlisted</i>	<i>Discharged</i>	<i>Remarks</i>
Garvey, Patrick	1st Cl. Fireman	2/13/65	Deserted June 13, 1865	Unknown
Goland, Edward	2nd Cl. Fireman	12/1/64	Deserted July 31, 1865	Captured
Gould, Samuel	Landsman	4/23/64	Transferred from 19th U. S. Colored Troop	
Hansen, Wm. H.	Landsman	2/16/65	2/15/67	
Hanson, John	Landsman	3/20/65	4/13/66	
Hardcastle, Henry	Landsman	2/14/65	2/5/67	
Hart, James T.	1st Cl. Fireman	2/3/65	5/9/65	
Hemss, George	Coal Heaver	5/14/62	2/19/67	
Hitchens, Wm.	Landsman	2/2/64	3/16/65	
Holland, Lawson	2nd Cl. Fireman	12/13/64	7/31/65	
Jenkins, James	Landsman	4/22/64	4/21/66	
Kent, Etheridge	Landsman	3/21/64	8/31/65	
Koster, Carlos	Landsman	2/16/65	11/7/65	Cited for bravery in action at Fort Fisher after transfer from <i>Constellation</i> .
Keyser, John	Landsman	7/23/63		Failed to report to <i>Constellation</i> after transfer from Washington Navy Yard—6/30/65
Krieg, William	Landsman	2/8/65	12/9/66	Unknown
Kuhn, George	Landsman	2/13/65	Deserted Feb. 28, 1866	
Lete, Henry	Landsman	2/9/65	2/9/67	
Louis, Ambrose	Landsman			
McCann, Owen	2nd Cl. Fireman	12/1/64	Deserted July 31, 1865	Captured
McFadden, Robt.	1st Cl. Fireman	2/7/65	Deserted—2 days and returned—Hon. discharged 2/6/1868	
McLaughlin, Wm.	Landsman	2/21/62	1/26/63	Unknown
	Landsman	2/15/65	Transferred to Ship <i>Cactus</i> and reported as deserted on 7/14/63	
Magruder, Fred. G.	Landsman	2/13/65	5/13/67	Unknown
Mahoney, Thomas	Landsman	2/10/65	Deserted on 7/31/65	Unknown
Mercer, John W.	2nd Cl. Fireman	2/2/65	Deserted on 7/16/65	Captured
Murray, Michael	2nd Cl. Fireman	2/8/65	Deserted on 7/16/65	Captured
Myers, Harrison	Landsman	4/25/64	4/21/66	
Ogden, Geo. J.	Landsman	2/15/65	7/10/66	
O'Neil, Daniel	Ord. Seaman	12/12/64	Deserted June 15, 1865	Unknown
Parker, Caleb	Landsman	4/25/64	4/18/66	
Perkins, Wm.	2nd Cl. Fireman	2/1/65	8/24/65	
Quinn, Joseph	Landsman	2/9/65	2/7/67	
Raymond, D. Charles	Landsman	3/14/65	Deserted September 30, 1865	Unknown

<i>Name</i>	<i>Rank</i>	<i>Enlisted</i>	<i>Discharged</i>	<i>Remarks</i>
Rob, John	2nd Class Boy	11/14/64	Deserted January 19, 1867	Unknown Transferred from U. S. Colored Troop
Robinson, Geo.	Landsman	4/22/64	7/17/65	
Rucker, John	Landsman	2/14/65	7/3/65	Captured
Sap, William	Landsman	2/16/65	7/3/65	
Schalloser, Fred.	Ord. Seaman	2/13/65	9/20/65	
Schofield, Robt.	1st Cl. Fireman	2/13/65	5/5/65	
Shepard, Wm. H.	Landsman	3/17/65	8/22/65	
Shook, John G.	Landsman	12/2/64	8/22/65	
Simmons, James	Seaman	1/27/65	Deserted Sept. 2, 1865	
Smith, Charles	Ord. Seaman	6/16/65	11/6/65	
Smith, Henry	Landsman	2/15/65	9/3/65	
Smith, James	Landsman	7/22/65	6/17/65	
Smith, Martin	Ord. Seaman	12/6/64	Deserted 1/1/66 and reported signed on British merchant ship	Unknown
Smith, Thomas H.	Ord. Seaman	2/13/62	1/25/65	
Somerville, J. P.	Landsman	2/9/65	4/15/67	
Stewart, C. W.	Landsman	2/10/65	4/15/67	
Stone, Joseph H.	1st Cl. Fireman	2/14/65	9/6/65	
Sullers, David H.	Landsman	3/15/65	7/13/65	
Thomas, Richard	Landsman	8/16/64	Served on board until 5/10/65 but no date of discharge or desertion given.	
Thompson, Richard	Landsman			
Toomey, Jacob H.	1st Cl. Fireman	12/5/64	Deserted 4/15/66	
Tucker, John E.	Landsman	12/22/63	7/24/65	
Turner, Charles	Landsman	2/16/65	Deserted August 31, 1865	Unknown Transferred from U. S. 19th Colored Troop.
		2/17/62	7/27/65	
Varnish, Geo. B.	Landsman	4/22/64	Deserted Jan. 11, 1863 and re- ported to have joined Confederate forces.	Transferred from U. S. 19th Colored Troop. Transferred from U. S. 19th Colored Troop. Unknown
Warner, John	Landsman	2/8/65	8/24/65	
Waters, Oliver	Seaman	2/13/65	5/13/67	
Williams, J.	Ord. Seaman	11/28/64	5/4/67	
Wisher, Jacob	Landsman	4/21/64	8/24/65	
Yates, Charles	Landsman	4/21/64	4/21/66	Unknown
Zimmerman, Edward	Landsman	2/15/65	Deserted March 7, 1866	

BALTIMORE AND THE ATTACK ON THE SIXTH MASSACHUSETTS REGIMENT, APRIL 19, 1861

By CHARLES B. CLARK

ABRAHAM LINCOLN'S inauguration on March 4, 1861, was followed in Maryland by a period of relative calm. This was in marked contrast to the hectic days between Lincoln's election and his assumption of office, during which seven Southern states seceded and much pressure was brought to bear upon Maryland to follow suit. Emissaries from Mississippi, Alabama, and later from Georgia were extremely persistent in their efforts to align Maryland with the Confederacy. On the other hand, Andrew G. Curtin, Governor of Pennsylvania, sent three commissioners to congratulate Maryland's governor, Thomas H. Hicks, for not calling the state legislature into special session. Such a session, it was feared by Unionists, would authorize a convention that might well pass an ordinance of secession.

Mass meetings were held all over the State and especially in Baltimore. Resolutions were passed and large crowds clamored for action by Hicks. His role at best was an unenviable and difficult one. That he wavered at times in his support of the Union, or at least toward some of its policies, is understandable if not commendable. A large number of pamphlets and addresses sought to influence people in the inflammable situation. Hicks withstood the pressures and refused during the winter of 1860-1861 to call the legislature. At the same time he vacillated and played for time. One crisis seemed to follow upon another. Rumors spread that a plot existed to stop Lincoln's inauguration by preventing him from passing safely through Baltimore enroute to Washington. Assassination was hinted.

As a precautionary measure he was spirited through the City during the night.¹

Maryland was aroused from a period of relative inaction by the attack on Fort Sumter on April 12 and its surrender on April 13. News of the attack was received with varied feelings by the people of Baltimore and throughout the state, some "expressing their heartfelt regret at the idea of the shedding of blood, others expressing strong union sentiments, and many giving expression to their feeling in favor of the South."²

Under the subsequent call for seventy-five thousand volunteers by President Lincoln on April 15, Maryland was assigned a quota of four regiments of infantry.³ The call for troops meant that Governor Hicks' indecisiveness—his refusal to call the legislature or to adopt an aggressive policy for the Union—had to be replaced by a program of action. Two general courses were open to him. He might advocate secession because of Lincoln's coercive policy, or he might condone the latter and support the Lincoln administration. Momentarily he delayed making a decision. But whether eventually he would give all-out support to the Union or not, he now must face the call for troops and other related problems.

The excitement was so great that Governor Hicks was summoned from Annapolis to Baltimore. He found the situation critical. On April 16, the day after Lincoln's call for troops, Hicks went to Washington to inform Lincoln and Secretary of War Cameron of Maryland's strong opposition to coercion. There he was assured that the four regiments Maryland was to furnish were to be used for the protection of the Federal Capital and the public property of the United States within the limits of Maryland. The troops would be removed from Maryland only for the defense of the District of Columbia. The following

¹ For the period involved the most complete account may be found in the unpublished Chapter 4 ("The Period of Indecision, November 6, 1860—March 4, 1861) of the author's doctoral dissertation (University of North Carolina). Easily the best published account of the period is George L. P. Radcliffe, *Governor Thomas H. Hicks of Maryland and the Civil War* (Baltimore, 1901).

² John Thomas Scharf, *The Chronicles of Baltimore* (Baltimore, 1874).

³ *The War of the Rebellion: A Compilation of the Official Records of the Union and the Confederate Armies* (Washington, D. C., 1880-1901), Series 3, IV, 1264-1270; *Ibid.*, V, 730-745, hereafter cited as O. R. The aggregate of officers and men requested was 3,123. Frank Moore, *Rebellion Record*, I, Documents, 63-64, however, says each regiment was to have 780 men or a total of 3,120.

day, April 17, Hicks asked that the President restate these assurances in order that he could "give effective and reliable aid for the support and defense of this Union." Through Secretary of War Cameron, the President complied with the Governor's wish on the same day.⁴

In response to Lincoln's call, Governor John A. Andrew of Massachusetts notified Secretary of War Cameron on April 17 that one Massachusetts regiment was leaving by rail that day for Washington and another by water for Fort Monroe. The following day, he said, another regiment would leave also for Washington by rail with still a fourth regiment to follow within three days.⁵ At least Major Clark, Quartermaster of the U. S. Army in Baltimore, was notified on April 18 by General-in-Chief of the Army Winfield Scott that "Two or three Massachusetts regiments may reach Baltimore in the next three days, and one New York regiment."⁶ Baltimore officials and others, including John W. Garrett, President of the Baltimore and Ohio Railroad, feared the effect of Northern troops on the people of Baltimore and considered a plan by which troops would cross the City in part by a steam ferry-boat between Canton and Locust Point. The plan was not adopted.⁷

According to Mayor George William Brown of Baltimore, Northern troops passed through the City "safely . . . under the escort of the police" on April 18.⁸ The regiments from Massachusetts, said Brown, were expected in Baltimore on the afternoon of the same day and provision had been made for their reception by the police. These troops, however, did not arrive on the 18th. The police board was unable to ascertain when they would arrive although they sent two members to the

⁴ Hicks to Lincoln, April 17, 1861; Cameron to Hicks, April 17, 1861, *O. R.*, Series 3, I, 79-80; *Maryland House and Senate Documents*, 1861, Document A.

⁵ *O. R.*, Series 3, I, 78-79.

⁶ *Ibid.*, Series 1, II, 578.

⁷ This plan, referred to as Garrett's plan by J. Edgar Thomson, President of the Pennsylvania Central Railroad—referred to in communications also as the Northern Central Railroad or the Harrisburg Railroad—is mentioned in a communication from Thomson to Cameron on April 23, 1861. *O. R.*, Series 1, II, 596. Police Marshal of Baltimore, George P. Kane, also refers to it. *Ibid.*, Series 2, I, 629.

⁸ Mayor Brown's report to the Baltimore City Council, July 11, 1861. *O. R.*, Series 1, II, 16. Marshal Kane confirms the point in his report to the Police Board of the City, May 3, 1861. *Ibid.*, Series 2, I, 629.

Philadelphia, Wilmington, and Baltimore Railroad Company station in Baltimore to obtain the information.⁹

In any case, excitement was at such a high pitch in Maryland on April 18 that Governor Hicks issued a proclamation urging the people to "abstain from all heated controversy upon the subject, to avoid all things that tend to crimination and recrimination." He declared that "in consequence of our peculiar position, it is not expected that the people of the State can unanimously agree upon the best mode of preserving the honor and integrity of the State, and of maintaining within her limits that peace so earnestly desired by all good citizens." He assured the people of the use to which Maryland troops would be put and concluded that Marylanders would have an opportunity in a special election for members of Congress to "express their devotion to the Union, or their desire to see it broken up." Mayor Brown supplemented this proclamation with a similar appeal to the people to be orderly.¹⁰

Southern sympathy and Northern feeling were much in evidence in Baltimore and Maryland. One young man made his appearance on South Street wearing a Southern cockade on his hat. He was greeted with hisses and groans by Union men who demanded that he take it off. He finally had to appeal to the police for protection. Secession flags were displayed on Southern ships in the Baltimore harbor. Unionists ordered these flags lowered, but the flag of the *Fanny Crenshaw*, lying at Chase's Wharf, was run up and kept flying under the protection of the police force. Efforts on April 18 to display a secession flag on Federal Hill and to fire one hundred guns in honor of South Carolina were thwarted. But a Confederate flag, hoisted at one of the chief streets of the City, was saluted with one hundred guns.¹¹

Governor Hicks was notified by Secretary of War Cameron on April 18 that President Lincoln had been informed that "unlawful combinations of misguided citizens of Maryland" planned to prevent Northern volunteers from crossing Maryland to defend Washington. The President desired to warn

⁹ *Ibid.*

¹⁰ *Baltimore Sun*, April 19, 1861; *Baltimore American*, April 19, 1861; Frank Moore, *Rebellion Record*, I, Document 65, pp. 76-77.

¹¹ J. T. Scharf, *Chronicles of Baltimore*.

"all loyal and patriotic citizens" of Maryland to take the proper measures in the matter lest "other means" be employed.¹² Developments being what they were, Hicks determined to make arrangements to fill Maryland's quota of four regiments and wrote to Cameron asking for arms and accoutrements.¹³

Perhaps the most important single account of the events in Baltimore on April 19, 1861 is the official one of Colonel Edward F. Jones who was in command of the Sixth Massachusetts Regiment which was attacked by citizens of the City. His report of April 22, 1861 related that in accordance with orders

I proceeded with my command towards the city of Washington, leaving Boston on the evening of the 17th April, arrived in New York on the morning of the 18th, and proceeded to Philadelphia, reaching that place on the same evening.

. . . [We] proceeded thence to Baltimore, reaching that place at noon on the 19th. After leaving Philadelphia I received intimation that our passage through the city of Baltimore would be resisted. I caused ammunition to be distributed and arms loaded, and went personally through the cars, and issued the following order, viz: 'The regiment will march through Baltimore in column of sections, arms at will. You will undoubtedly be insulted, abused, and, perhaps, assaulted, to which you must pay no attention whatever, but march with your faces square to the front, and pay no attention to the mob, even if they throw stones, bricks, or other missiles; but if you are fired upon and any one of you is hit, your officers will order you to fire. Do not fire into any promiscuous crowds, but select any man whom you may see aiming at you, and be sure to drop him.'

Reaching Baltimore, horses were attacked [at the Philadelphia or President Street Station] the instant that the locomotive was detached [since locomotives were prohibited in the main sections of the City], and the cars were driven at a rapid pace across the city. After the cars containing seven companies had reached the Washington depot [also referred to as the Baltimore and Ohio or Mount Clare station in the southwest part of the City on Camden Street] the track behind them was barricaded, and the cars containing band and . . . [four companies] were vacated, and they proceeded but a short distance before they were furiously attacked by a shower of missiles, which came faster as they advanced. They increased their steps to double-quick, which seemed to infuriate

¹² O. R., Series 2, I, 564; *Ibid.*, Series 1, II, 577.

¹³ O. R., Series 1, LI, 327-328.

the mob, as it evidently impressed the mob with the idea that the soldiers dared not fire or had no ammunition, and pistol-shots were numerous fired into the ranks, and one soldier fell dead. The order 'Fire' was given, and it was executed. In consequence, several of the mob fell, and the soldiers again advanced hastily. The mayor of Baltimore placed himself at the head of the column beside Captain Follansbee [Company C, of Lowell], and proceeded with them a short distance, assuring him that he would protect them, and begging him not to let the men fire; but the mayor's patience was soon exhausted, and he seized a musket from the hands of one of the men and killed a man therewith, and a policeman, who was in advance of the column, also shot a man with a revolver.

They at last reached the cars, and they started immediately for Washington, On going through the train I found there were about one hundred and thirty missing, including the band and field music. Our baggage was seized, and we have not as yet been able to recover any of it. I have found it very difficult to get reliable information in regard to the killed and wounded, but believe there were only three killed, . . .

As the men went into the cars I caused the blinds to the cars to be closed, and took every precaution to prevent any shadow of offense to the people of Baltimore; but still the stones flew thick and fast into the train, and it was with the utmost difficulty that I could prevent the troops from leaving the cars and revenging the death of their comrades.

After a volley of stones some of the soldiers fired and killed a Mr. Davis, who I have since ascertained by reliable witnesses threw a stone into the car; yet that did not justify the firing at him, but the men were infuriated beyond control. . . .¹⁴

Most accounts of the riots are in accord with the main particulars of Colonel Jones' report.¹⁵ Apparently Colonel Jones had preceded the companies that were attacked and hence was not an eye-witness to the attacks. His statement that Mayor Brown had killed a man with a musket of one of the soldiers

¹⁴ *O. R.*, Series 1, II, 7-9. Colonel Jones listed the names of three killed and thirty-nine wounded, including Captain J. H. Dike of Stoneham, Massachusetts, who was left "in the hands of some brother Masons, and to the Order he owes his life." A note is appended to Colonel Jones' list by the Adjutant-General of Massachusetts on October 23, 1874, stating that the "list in this letter is, of course, inaccurate."

¹⁵ The fullest account is Mayor George William Brown's *Baltimore and the 19th of April*, 1861 (Baltimore, 1887). See also J. T. Scharf, *Chronicles of Baltimore*; *Baltimore Sun*, April 20, 21, 22, 1861; *The (Baltimore) South*, April 20, 21, 22, 1861.

is not referred to in other accounts. In his report to the Baltimore City Council, dated July 11, 1861,¹⁶ Brown noted that Police Marshal George P. Kane sent three members of the City Council to notify him in his law office at 10:00 a. m. on the 19th that troops were about to arrive. Brown hastened to the Camden Street Station and directed the police to protect the troops arriving by horse-drawn car from the President Street Station and to effect their transfer to cars designated for Washington. Despite much excitement "and a large and angry crowd assembled," the transfer was safely executed. Marshal Kane ordered some of his men to proceed as far as Relay House, nine miles toward Washington, if necessary to protect the rails.¹⁷

Meanwhile, Mayor Brown was informed that other troops had been left at President Street Station. He proceeded at once to Smith's Wharf on Pratt Street where anchors had been piled on the tracks. He ordered them removed and his authority was not resisted. Then, he says

On approaching Pratt-street bridge I saw several companies of Massachusetts troops, who had left the cars, moving in column rapidly towards me. An attack on them had begun, and the noise and excitement were great. I ran at once to the head of the column, some persons in the crowd shouting, as I approached, 'Here comes the mayor.' I shook hands with the officer [Captain Follansbee] in command, saying, as I did so, 'I am the mayor of Baltimore.' I then placed myself by his side and marched with him as far as the head of Light-street wharf, doing what I could by my presence and personal efforts to allay the tumult. The mob grew bolder and the attack became more violent. Various persons were killed and wounded on both sides. The troops had some time previously begun to fire in self-defense, and the firing, as the attack increased in violence, became more general.

At last, when I found that my presence was of no use, either in preventing the contest or saving life, I left the head of the column, but immediately after I did so Marshal Kane, with about fifty policemen, from the direction of the Camden station, rushed to the rear of the troops, forming a line across the street with drawn revolvers checking and keeping off the mob. The movement, which I saw myself, was perfectly successful and gallantly performed. . . .¹⁸

¹⁶ *O. R.*, Series 1, II, 15-20.

¹⁷ See Kane's report to the Baltimore Police Board, May 3, 1861. *O. R.*, Series 2, I, 629.

¹⁸ *Ibid.*, Series 1, II, 17.

The mayor paid high tribute to the police board and stated that except for the "timely arrival of Marshal Kane with his force . . . the bloodshed would have been great. The wounded among the troops received the care and medical attention at the expense of the city, and the bodies of the killed were carefully and respectfully returned to their friends."¹⁹

In substance, Police Marshal Kane's report parallels Mayor Brown's. He describes his actions as he led a detachment of police from Camden Station to meet the Massachusetts troops:

I opened my ranks through which they passed and closed in their rear; formed my men across the street; directed them to draw their revolvers and to shoot down any man who dared to break through their line. It is enough for me to say that these orders were faithfully executed; my men did their duty and the Massachusetts troops were rescued.²⁰

The report of the Baltimore Police Board, submitted by Charles Howard, President, estimated that "about 1800 men of the Massachusetts and Pennsylvania Militia" arrived in Baltimore in the forenoon of the 19th April by the Philadelphia, Wilmington, and Baltimore Railroad. "No member of the Board of Police had any information that these troops were to arrive." Marshal Kane's role, as described by Mayor Brown, was substantiated. Also, the Police Board stated that Kane had directed other troops arriving from the North to return to Havre de Grace or Philadelphia. "During the afternoon and night a large number of stragglers from some of the above detachments of troops sought the aid and protection of the police; they were safely cared for at the several station-houses, and were sent off in security by the earliest opportunity to Havre de Grace or Philadelphia in the cars."²¹

Other accounts relate that in addition to the anchors Mayor Brown found sand, cobble-stones, and other obstacles on the tracks. The crowd was described as one of 10,000 which pressed upon the troops, threatened them, and cheered for the Confederacy and Jefferson Davis and groaned for Lincoln and the North. The mob was said to consist not only of the rough ele-

¹⁹ *O. R.*, Series 1, II, 17.

²⁰ *O. R.*, Series 2, I, 629.

²¹ *Ibid.*, Series 1, II, 9-11.

ments, but also of prominent and respectable persons who sought to repel what they considered an invasion of Maryland.

Henry Stump, Judge of the Baltimore Criminal Court, an eye-witness to the riots, recorded on the following day that

The whole city is in a state of disorder and excitement. I was on Pratt St yesterday when the conflict betwixt the rioters and the Northern Soldiers took place. The soldiers bore the pelting of the pitiless mob for a long time under a full trot, & more than three of them were knocked & shot down, before they returned the assaults; Then they fired about twenty five shots which killed several of their assailants and dispersed them. I saw three of the soldiers dead & dying being about half a square from the scene of uproar.

We are in an awful state now. The Governor & mayor have called nout [sic.] our volunteers to assist the Police in keeping order. Where this confusion will end no one can predict; But while there is life there is hope. . . .²²

John W. Hanson, chaplain and historian of the Sixth Massachusetts, adds some points of interest. Colonel Jones, he says, gave orders to the band to "confine their music to tunes that would not be likely to give offence, especially avoiding the popular air, 'Dixie.'" Prior to reaching the President Street Station the regiment loaded and capped their rifles. Then, having replaced the locomotive with horses, the cars proceeded only to have slight demonstrations made on the cars "containing the fifth and sixth companies; but nothing like an attack was made until the seventh car started. . . .

It was attacked by clubs, paving-stones, and other missiles. The men were very anxious to fire on their assailants; but Major Watson forbade them, until they should be attacked by fire-arms. One or two soldiers were wounded by paving-stones and bricks; and at length one man's thumb was shot, when, holding the wounded hand up to the major, he asked leave to fire in return. Orders were then given to lie on the bottom of the car and load, and rising, to fire from the windows at will. These orders were promptly obeyed. . . . Moving with as much rapidity as possible, and receiving an occasional musket or pistol shot, or a shower of rocks and bricks, the car reached the main body of the regiment. . . .²³

²² Henry Stump to his sister-in-law, Mrs. Mary Alicia Stump, April 20, 1861. *Md. Hist. Mag.*, LIII (December, 1958), 402-403.

²³ John W. Hanson, *Historical Sketch of the Old Sixth Regiment of Massachu-*

The four companies which were forced to march across the city consisted of about 220 troops, says Hanson, while the mob soon reached 10,000. "The air was filled with yells, oaths, taunts, all sorts of missiles, and soon pistol and musket shots; and Captain Follansbee gave the order to fire at will." Most of the crowd was on the flank and rear of the column. At one of the bridges on Pratt Street a "formidable barricade" with a cannon was in process of erection but was not quite ready for service. The crowd expected the barricade would stop the column; however, the troops were ordered to scale it. In this fashion they gained time and distance on the mob. There were cheers for Jeff Davis, South Carolina, and the South, and all "sorts of insulting language,—such as 'Dig your graves!'—'You can pray, but you cannot fight!' and the like," but this did not stop the troops. They were fired at from the windows and doors of stores and houses. The soldiers "loaded their guns as they marched, dragging them between their feet, and, whenever they saw a hostile demonstration, they took as good aim as they could, and fired. There was no platoon firing whatever. At one place, at an upper window, a man was in the act of firing, when a rifle ball suggested to him the propriety of desisting, and he came headlong to the sidewalk." Hanson called the distance of the march a mile and a half, and it was surely à march the men would never forget. They took their wounded with them.

After rejoining the rest of the regiment at the Baltimore and Ohio Station and boarding the cars, progress was impeded again by barriers placed on the tracks. The train would move forward a short distance, stop to allow the road to be repaired, and then move again. Finally, the conductor "reported to the colonel that it was impossible to proceed, that the regiment must *march* to Washington." Colonel Jones, according to Hanson, replied: "We are ticketed through, and are going in these cars. If you or your engineer cannot run the train, we have plenty of men who can. If you need protection or assistance, you shall have it; but we go through." After more obstructions and additional exchange of shots, Relay House was reached. There a delay of

setts Volunteers (Boston, 1866), pp. 23-29, 31-32. Reprinted in Paul M. Angle and Earl Schenck Miers, *Tragic Years 1860-1865: A Documentary History of the American Civil War* (New York, 1960), I, 78-81.

two hours ensued until a train from Washington arrived and took them to the capital "late in the afternoon."²⁴

Explanations for the attack, of course, are not wanting. Governor Hicks' explanation was that the

rebellious element had the control of things. We were arranging and organizing forces to protect the city and preserve order, but want of organization and of arms prevented success. They had arms; they had the principal part of the organized military forces with them, and for us to have made the effort, under the circumstances, would have had the effect to aid the disorderly element. They took possession of the armories, have the arms and ammunition, and I therefore think it prudent to decline (for the present) responding affirmatively to the requisition made by President Lincoln for four regiments of infantry.²⁵

Mayor Brown felt that the attack "was the result of a sudden impulse, and not of a premeditated scheme."²⁶ George M. Gill, who accompanied Mayor Brown to Camden Station on the morning of the 19th, reported his impression that "events arose from a sudden impulse which seized upon some of our people, and that after the firing commenced and blood was shed many persons took part under an impression that the troops were killing our people, and without knowing the circumstances of provocation which induced the troops to fire."²⁷

John Fulton declared that the people of Baltimore were greatly exasperated by the Lincoln administration. They had not been given a chance, he says, to express their opinions on the questions which so closely concerned them, nor treated fairly by their own Governor and his advisers. They considered their rights and liberties to be at the mercy of a President who was ready to sacrifice them in order to advance the ends of a fanatical and sectional party. A large majority of the people of Maryland, he wrote, agreed upon all points with the people of Virginia.²⁸ William L. W. Seabrook, a close friend of Governor Hicks, did not agree that the riot was spontaneous. He

²⁴ *Ibid.*

²⁵ Hicks to Secretary of War Cameron, April 20, 1861, *O. R.*, Series 1, II, 581; *Ibid.*, Series 2, I, 565.

²⁶ *O. R.*, Series 1, II, 17.

²⁷ *O. R.*, Series 1, II, 21.

²⁸ John Fulton, *The Southern Rights and Union Parties in Maryland Contrasted* (Baltimore, 1863), pp. 10-11.

asserts that it was fomented by secessionists who were personally interested in seeing the state join the Confederacy. This group saw the last chance of secession slipping away when the Northern troops arrived ready for action.²⁹

Mayor Brown and Marshal Kane were both regarded as secessionists at heart,³⁰ but on this occasion they conducted themselves without regard to personal feelings. They endangered their own lives to protect the soldiers and thwart the mob. Mayor Brown was cleared of any implication in the riots. Colonel Jones of the Sixth Massachusetts made a point of doing this. The leading Union journal of Baltimore declared: "We cannot too highly commend the conduct of Mayor Brown throughout the trouble. . . ." ³¹ Captain John H. Dike of Company C of the Sixth Massachusetts, previously recorded as one of those wounded, wrote in the *Boston Courier* that

The Mayor and City authorities should be exonerated from blame or censure, as they did all in their power, as far as my knowledge extends, to quell the riot, and Mayor Brown attested the sincerity of his desire to preserve the peace and pass our regiment safely through the City, by marching at the head of its columns, and remaining there at the risk of his life.³²

Marshal Kane, despite his conduct in protecting the troops, left little doubt of his Southern sympathies. Three days prior to the riots, on April 16, he sent a letter to William Crawford, agent in Baltimore for the Philadelphia, Wilmington, and Baltimore Railroad, asking: "Is it true as stated that an attempt will be made to pass the volunteers from New York intended to war upon the South over your road to-day? It is important that we have an explicit understanding on the subject." ³³ Crawford immediately sent Kane's letter to S. M. Felton, President of the Railroad aforementioned, and identified Kane as "our marshal of police" and reported he had told Kane he had no knowledge of such troop movements. Crawford added: "It is rumored that the marshal had issued orders to his force not to permit any forces to pass through the city." Felton, in receipt

²⁹ W. L. W. Seabrook, *Maryland's Great Part in Saving the Union*, p. 47.

³⁰ John G. Nicolay and John Hay, *Abraham Lincoln: A History*, IV, 121-122.

³¹ *Baltimore Clipper*, April 20, 1861.

³² Quoted by Scharf, *Chronicles of Baltimore*, p. 611.

³³ *O. R.*, Series 1, II, 577.

of Crawford's letter and enclosure, sent both to Secretary of War Cameron so that the latter could "ascertain the facts."³⁴

Later on the day of the attacks, Kane sent a telegram to Bradley T. Johnson of Frederick which read:

Thank you for your offer. Bring your men in by the first train, and we will arrange with the railroad afterwards. Streets red with Maryland blood. Send expresses over the mountains and valleys of Maryland and Virginia for the riflemen to come without delay. Fresh hordes will be down on us tomorrow. We will fight them and whip them or die.³⁵

When on May 3, 1861 the *Baltimore American* made what Kane termed "an assault upon my official conduct as commanding officer of the police force," Kane submitted a lengthy report to the Police Board in an effort to vindicate his conduct. He admitted using the "language of the dispatch," blaming it upon "excitement while our entire community was laboring under the most intense apprehension." He said it was

in reply to a dispatch from Bradley T. Johnson, esq. (now or lately the State's attorney for Frederick County) offering the services of a body of patriotic citizens of that gallant county who true to the instinct of every son of Maryland were ready to come as did their sires in 1814 to defend the homes of their friends in Baltimore. . . .³⁶

Kane's conduct on the 19th in connection with the Sixth Massachusetts was creditable to himself and the position he held, no matter what his actions were later. He was arrested on June 27, 1861 on orders of General Scott and was called the "head of an armed force hostile to its [Government's] authority . . . [who was] acting in concert with its avowed enemies."³⁷ Eventually Kane entered the service of the Confederacy as did Bradley T. Johnson. Mayor Brown was also arrested later and held for some time.

It is perhaps impossible to fix responsibility for the Baltimore riots. It has been noted by some that the whole affair might

³⁴ *O. R.*, Series 1, II, 577.

³⁵ See Kane to Charles Howard, President of the Baltimore Police Board, May 3, 1861, *O. R.*, Series 2, I, 628-630. Also reprinted in *Congressional Globe*, 1st Sess., 37th Cong., Pt. 1, pp. 200-201; Nicolay and Hay, *Abraham Lincoln: A History*, IV, 122.

³⁶ *O. R.*, Series 2, I, 630.

³⁷ *O. R.*, Series 1, II, 138-142.

have been averted had Mayor Brown and Marshal Kane been able to ascertain more definitely when troops were to pass through the City. It must be remembered that the response to Lincoln's call to arms was immediate, as witnessed by the fact units passed through Baltimore on April 18 enroute to Washington. Had officials in Baltimore expected such an immediate response more adequate protection might have been arranged. Yet, Baltimore was such an uncertain quantity and tinder-box that nobody could be certain what its response might be on any given occasion. The divided populace would seem to have called for greater precautions. But developments were so rapid that officials to some extent were caught unprepared for what came. The lack of "no more annoyance [of troops] than might have been expected" ³⁸ on the 18th no doubt dimmed fear of trouble.

Actually, Marshal Kane had more time on April 19 to prepare for the arrival of troops than some reports indicated. He himself states that after seeing troops safely through the City on the 18th he was notified that others might arrive the same day. But late on the evening of the 18th he dismissed his force since he had been informed by a railroad agent that the awaited troops had not yet set out from Philadelphia. Kane says he heard nothing more about such troops until 8:20 a. m. on the 19th when he was notified by one of his men from the Southern Police station that troops from Philadelphia would arrive at the Camden Street station, not stopping at the President Street station, within thirty minutes. Upon request, Kane sent a police force to Camden station and arrived there himself within thirty minutes only to be informed the troops had just reached the Susquehanna River and would not arrive in Baltimore for some time.³⁹ He dispensed his men to a neighboring police station to await the arrival of the troops.

It therefore appears that there was ample notice but not a full enough awareness of the possible dangers to transient troops. Otherwise, a more adequate escort could have been provided even against 10,000 rioting persons. Another factor in the situation is that the plans of Colonel Jones for his regiment to march through Baltimore with arms and ammunition in their possession was not carried out insofar as the first units

³⁸ *Ibid.*, Series 2, I, 629.

³⁹ *Ibid.*

were concerned. Travelling in horse-drawn cars had prompted some demonstrations and led to barricades which forced the remaining units to march on foot. This invited attack from an aroused mob.

Efforts to implicate Baltimore officials with the riots because of their later affiliation with the Confederacy or imprisonment by Union officials are not successful. The fact is that Mayor Brown, Marshal Kane, and the Police Board and its force did all they could to protect the troops once trouble developed. It is true that, for whatever reason, the situation was not well planned and might have been prevented or alleviated.

The riots had taken place around mid-day. During the remainder of the day, mob feeling if not mob violence held sway. Military companies were ordered out, and a mass meeting was called at 4:00 p. m. at Monument Square. A huge crowd attended and most of the speakers opposed both secession and coercion. Severn Teackle Wallis made a vigorous anti-coercion address while Mayor Brown denied the right of secession. Brown also condemned coercion and assured the people that no additional troops intended for use against the South would pass through the State. Governor Hicks declared that he agreed with Brown but desired to see the Union preserved. This statement provoked an angry cry from the mob, whereupon the Governor said: "I bow in submission to the people. I am a Marylander; I love my State, and I love the Union, but I will suffer my right arm to be torn from my body before I will raise it to strike a sister state."⁴⁰

Governor Hicks' declaration was inconsistent with his recent professions of absolute adherence to the Union, which, it was understood, included complete approval of coercion.⁴¹ It should be remembered, however, that Hicks was in no ordinary situation when making this address. Had he expressed himself in opposition to the surrounding mob, he might well have met disaster. For five months his life had been threatened on nu-

⁴⁰ *Baltimore Sun*, April 20, 1861; *Baltimore American*, April 20, 1861.

⁴¹ The best source for the thinking and actions of Governor Hicks during this period is George L. P. Radcliffe, *Governor Thomas H. Hicks of Maryland and the Civil War*.

merous occasions,⁴² and the mob's hatred was intensified to fever heat. The Governor naturally valued his life and, although he appears weak in this instance, there was little else he could have done. If he were clever in his role he might ward off danger to himself and also prevent the mob from becoming more unruly than it had been.

Immediately after the riots Governor Hicks and Mayor Brown sent messengers to Washington to report the agitation in Baltimore. One telegram read:

A collision between the citizens and the Northern troops has taken place in Baltimore, and the excitement is fearful. Send no more troops here. We will endeavor to prevent all bloodshed. A public meetings of citizens has been called, and the troops of the State and the City have been called out to preserve the peace. They will be enough.⁴³

Lincoln and some of his cabinet members supposed that the message "Send no more troops here," meant that Hicks and Brown needed no troops to suppress the riot. Secretary of State William H. Seward and General Scott, however, contended otherwise. The meaning of the telegram was made clear when Hicks, Brown, and Charles Howard, President of the Baltimore Police Board, sent a communication to John W. Garrett, President of the Baltimore and Ohio Railroad, which read: "We advise that the troops now here be sent back to the borders of Maryland."⁴⁴ Garrett telegraphed back: "Most cordially approving the advice, I have instructed by telegraph the same to the Philadelphia, Wilmington, and Baltimore Railroad Company, and this Company will act in accordance therewith."⁴⁵

⁴² A letter from "Southern rights" to Hicks, April 23, 1861, for example, said: "Your destiny is fixed it is resolved that if it takes 20 years if you live that long to be shot privately for your being a damned black republican. You are beneath the notice of a wolfe." Hicks MSS (Maryland Historical Society Library, Baltimore).

Another letter, dated April 24, 1861, read: "It is a duty I owe you to advise you of the openly-declared intention of the Hon. Teagle Townsend, Senator from this County, to offer you personal violence upon the first opportunity after his arrival in Annapolis. The man is rabid. E. K. Wilson expostulated with him to no effect, and all the Secessionists applauded Townsend's purpose. Be guarded. This information I pledge you my honor to be reliable and I have preferred to send it to you by way of Baltimore by private hands to be mailed there to prevent interception. Edward Thields, from Snow Hill, Worcester County, to Hicks. *Ibid.*

⁴³ *Baltimore Sun*, April 22, 1861; Brown, *Baltimore and the 19th April*, p. 57.

⁴⁴ Frank Moore, *Rebellion Record*, I, Documents, p. 79.

⁴⁵ *Ibid.*

This action displeased Lincoln, the Cabinet, and General Scott. Subsequently, Secretary of War Cameron sent a dispatch to S. M. Felton, President of the Philadelphia, Wilmington, and Baltimore Railroad stating that "Governor Hicks has neither right nor authority to stop troops coming to Washington. Send them on prepared to fight their way through, if necessary."⁴⁶

Cameron's dispatch resulted also from joint messages he had received on the 19th from Felton and J. Edgar Thomson, President of the Pennsylvania Central Railroad, stating they had been informed that troops had been stopped in Baltimore and that Governor Hicks had stated no more troops could pass through the City.⁴⁷

Late on the night of the riots, Mayor Brown, Police Marshal Kane and the Police Board—having been informed by S. M. Felton of the Philadelphia, Wilmington, and Baltimore Railroad, that additional troops were enroute from Philadelphia—decided that the safety of Baltimore would be impossible if troops were to pass through to Washington. To prevent such a disaster, it was agreed that railroad bridges on both railroad lines from the North should be destroyed.⁴⁸ According to Mayor Brown and others present,⁴⁹ the plan was explained to Governor Hicks who was spending the night at Mayor Brown's home, and he gave his consent. It is still a matter of debate whether the Governor did assent. On May 4, in a message to the Maryland Senate, Hicks denied that he gave his consent to destroy the bridges. Mayor Brown, in his report to the General Assembly, claimed otherwise.⁵⁰ There is no way of knowing

⁴⁶ *O. R.*, Series 1, II, 578.

⁴⁷ *Ibid.* The Philadelphia, Wilmington, and Baltimore Railroad is frequently referred to simply as the Philadelphia and Baltimore Railroad.

⁴⁸ The Police Board consisted of Charles Howard, President, William H. Gatchell, John W. Davis, and Charles S. Hinks. All except the latter, who was out of the city, cooperated in the execution of the plan to burn and disable bridges. *O. R.*, Series 1, II, 17 (statement of Mayor Brown).

⁴⁹ These were the Hon. E. Louis Lowe, former Governor of Maryland, Police Marshal Kane, and John Cummings Brown (brother of Mayor Brown). Their full statements supporting Mayor Brown's claims that Governor Hicks gave his consent to the destruction of the bridges are included with the Mayor's statement to the same effect. *O. R.*, Series 1, II, 12-17. Charles Howard, President of the Police Board, gives evidence supporting the claim of Mayor Brown. *Ibid.*, pp. 9-11. Mayor Brown claimed two other "gentlemen" were also present, one being introduced as the brother of Governor Hicks, who also heard the Governor give his consent. *Ibid.*, p. 13.

⁵⁰ *Maryland Senate Journal*, 1861, pp. 63-64; *House Documents*, 1861, Doc. G; *O. R.*, Series 1, II, 12-13; *Ibid.*, Series 2, I, 569-570; Moore, *Rebellion Record*, II,

what understanding was reached at about midnight of April 19 in Mayor Brown's home. One version is given by the Governor; another by four others who were present.

Regardless of whether the Governor gave his consent, two parties were sent out. Prior to daylight, one party headed by Marshal Kane, burned the bridges over the Bush and Gunpowder Rivers at Melvale, Relay House, and Cockeysville on the Northern Central Railroad and over Harris Creek on the Philadelphia, Wilmington, and Baltimore line. Charles Howard, President of the Police Board, reported that the "injury thus done on railroads amounted to but a few thousand dollars on each; subsequently . . . greater damage was done to other structures on the roads by parties in the country or others, but this was without the sanction or authority of the [Police] board and they [board] have no accurate information on the subject."⁵¹

Baltimore City authorities thus cut Washington off from railences described below, General Scott ordered that troops be fore an uninterrupted flow of troops could be counted upon. Destruction of the bridges was justified on the ground that additional Northern troops, if allowed to pass through Baltimore, would wreak vengeance upon the City for its attack on the Sixth Massachusetts Regiment.⁵² Angry threats did come from the North and Washington officials were apprehensive of conditions in Maryland, particularly in Baltimore. For several days the U. S. flag was often missing in Maryland.

There were other important developments late on the 19th.

181. W. L. Seabrook says Hicks was under duress at the time and his life endangered. A lawless mob had followed him on the street, even after his speech in which he gave in to them, threatening violence and crying "Hang him. Hang him." It was probable, says Seabrook, that under these circumstances he said something construed as an assent to destroy the bridges. On the following day in Annapolis, Hicks told Seabrook he would not desert his Union friends and said the "Union must be preserved." *Maryland's Great Part in Saving the Union*, p. 19.

The *Baltimore Daily Exchange*, July 3, 1861, commenting on the situation, said that Brown's testimony was accompanied by "unanswerable proof," and that Hicks was unable to reply either to it or to that of several other "witnesses of the highest integrity, who were present and heard the authority given. . . . It is needless to say that the Governor's puerile evasion of the issue of veracity which he was unable to meet, mortified even his own friends." This Southern-sympathizing paper admitted, however, that "Governor Hicks had a seething and sensitive public to handle, a people ready to show what they could do with guns, clubs, stones, bricks, in street fighting."

⁵¹ *O. R.*, Series 1, II, 10; *Ibid.*, Series 2, I, 569.

⁵² Nicolay and Hay, *Abraham Lincoln: A History*, IV, 121; *O. R.*, Series 1, II, 12-17.

At about 11:00 p. m., shortly before the decision to destroy the railroad bridges, Governor Hicks and Mayor Brown requested that the Honorable H. Lenox Bond, George W. Dobbin, and John C. Brown go to Washington in a special train to explain the situation in Baltimore and to carry communications from Hicks and Mayor Brown to President Lincoln. Mayor Brown described the people as "exasperated to the highest degree by the passage of troops" and said the citizens were "universally decided in the opinion that no more [troops] should be ordered to come." He reported that Baltimore authorities had been unable to prevent the collision, but except for their "great efforts a fearful slaughter would have occurred." On this basis, the Mayor said, "it is not possible for more soldiers to pass through Baltimore, unless they fight their way at every step." He therefore hoped and trusted that U. S. officials would not send more troops. If they should come, "the responsibility for the blood shed will not rest upon me [Mayor Brown]." ⁵³ A letter from Hicks was appended to the Mayor's, stating that the Governor had been in Baltimore since April 16 and that he fully concurred with Brown's views. ⁵⁴

The three emissaries arrived in Washington too late during the night to see President Lincoln. An interview was arranged for the following day and, as a result of this and other conferences described below, General Scott ordered that troops be marched "around Baltimore, and not through it." ⁵⁵ Lincoln's biographers reported that the Maryland secessionists "upbraided" Bond, Dobbin, and John C. Brown for consenting to allow the troops to pollute the soil of Maryland at all! ⁵⁶

Mayor Brown also persuaded U. S. Senator Anthony Kennedy and Representative Harris of the House of Representatives to talk with Lincoln on the subject of passage of troops. They reported to Brown that they had "seen the President, Secretaries of State, Treasury, and War, and also General Scott. The

⁵³ *O. R.*, Series 1, II, 12; *Ibid.*, Series 2, I, 564-565.

⁵⁴ *Ibid.*

⁵⁵ Nicolay and Hay, *Abraham Lincoln: A History*, IV, 126; Brown, *Baltimore and the 19th April*, p. 62. The Lincoln government was specifying here, however, that this did not necessarily apply to all troops henceforth to come from the North, but to those which had been enroute and had reached Cockeysville and were sent back.

⁵⁶ Nicolay and Hay, *Abraham Lincoln: A History*, IV, 127.

result is the transmission of orders that will stop the passage of troops through or around the City."⁵⁷

President Lincoln, recognizing the importance of keeping Maryland in the Union for many reasons, desired to talk directly with Governor Hicks and Mayor Brown. Accordingly he requested that they come to Washington on April 20.⁵⁸ Hicks was in Annapolis and did not go to Washington. But Mayor Brown, accompanied by George W. Dobbin, John C. Brown, and Severn Teackle Wallis, visited Lincoln. The President told the Mayor that troops must either come through Maryland or the Capital would have to be abandoned.⁵⁹ General Scott asserted that troops could avoid Baltimore by travelling from Perryville on the Susquehanna River to Annapolis by water and from there by rail to Washington. Or, they might come to the Relay House on the Northern Central Railroad, about seven miles north of the City, and from there march to the Relay House on the Baltimore and Ohio Railroad, about seven miles southwest of Baltimore, and travel from this point by rail to Washington. Though desiring to avoid a collision, both Lincoln and Scott stated that if Maryland prevented troops from passing by one of the two outlined routes, they must fight their way through.⁶⁰

Following the interview with Lincoln, Mayor Brown received a dispatch from John W. Garrett, President of the Baltimore and Ohio Railroad, announcing the approach of troops to Baltimore from Cockeysville, fourteen miles north of Baltimore. Brown immediately notified Lincoln who, with General Scott, made good the promise not to send troops through Baltimore by ordering the troops back to Harrisburg, Pennsylvania.⁶¹

⁵⁷ Brown, *Baltimore and the 19th April*, p. 63. Brown refers to J. Morrison Harris, but must mean Benjamin G. Harris of Southern Maryland who later served in Congress. Senator Kennedy was brother to John Pendleton Kennedy.

⁵⁸ *O. R.*, Series 2, I, 565; *Ibid.*, Series 1, II, 581.

⁵⁹ Virginia rebels had taken possession of Harper's Ferry. The Gosport Navy Yard at Norfolk was in the process of being destroyed by the Confederates. Nicolay and Hay, *Abraham Lincoln: A History*, IV, 122.

⁶⁰ *Ibid.*, IV, 129. These routes had been planned by S. M. Felton, President of the Philadelphia, Wilmington, and Baltimore Railroad, and E. S. Sanford, President of the American Telegraph Company.

⁶¹ *O. R.*, Series 1, II, 583-584; G. W. Brown, *Baltimore and the 19th April*, pp. 71-73; *Baltimore Sun*, April 23, 1861. At the conference with the President, Mayor Brown was asked to explain the destruction of the railroad bridges north of Baltimore. He did so, declaring that it had been done under authority because of the resentment of the Maryland people at the passing of troops over their soil. They considered it an act of war against the South and a violation of the constitutional rights of Maryland.

Mayor Brown assured Lincoln and Scott that every effort would be made to prevent Baltimoreans from leaving the City to molest troops, but that no guarantee could be given against the acts of individuals not organized. Hicks was kept informed and expressed approval of Mayor Brown's efforts in Washington.⁶²

President Lincoln, much to his annoyance, was besieged by private groups and individuals from Maryland also. Lincoln had no desire to invade the South with troops coming in from the North,⁶³ but troops were needed to protect Washington and by "geography and mathematics the troops had to cross Maryland." As Lincoln also commented:

Our men are not moles, and cannot dig under the earth; they are not birds and cannot fly through the air. There is no way but to march across, and that they must do. But in doing this there is no need of collision. Keep your rowdies in Baltimore and there will be no bloodshed. Go home and tell your people that if they will not attack us, we will not attack them; but if they do attack us, we will return it, and that severely.⁶⁴

The Reverend R. Fuller, spokesman of a Y. M. C. A. delegation of thirty-five, instructed Lincoln that his duty as a Christian statesman was to "recognize the independence of the Southern States." Lincoln told the group sternly:

You, gentlemen, come here to me and ask for peace on any terms, and yet have no words of condemnation for those who are making war on us. You express horror of bloodshed, and yet would not lay

⁶² *O. R.*, Series 1, II, 581-582.

⁶³ Writing confidentially to Reverdy Johnson of Maryland, Lincoln noted on April 24, 1861: "I do say the sole purpose of bringing troops here is to defend the Capital. I do say I have no purpose to invade Virginia with them or any other troops, as I understand the word invasion. But, suppose Virginia sends her troops, or admits others through her borders, to assail the Capital, am I not to repel them even to the crossing of the Potomac if I can? Suppose Virginia erects, or permits to be erected, batteries on the opposite shore to bombard the city, are we to stand still and see it done? In a word, if Virginia strikes us, are we not to strike back, and as effectively as we can?" Carl Sandburg, *Abraham Lincoln: The War Years* (New York, 1939), I, 276.

Johnson replied to this note the same day, thanking the President for his frankness and endorsing his policy. "In a word," wrote Johnson, "all that your note suggests would be my purpose were I intrusted with your high office." *Ibid.* Sandburg says that although Johnson agreed to keep Lincoln's letter confidential, he gave the substance of it to John A. Campbell of Alabama, an Associate Justice of the U. S. Supreme Court, who within four days after the letter was written sent the substance of it directly to Jefferson Davis. *Ibid.*, p. 276.

⁶⁴ *Ibid.*, pp. 233-234.

a straw in the way of those who are organizing in Virginia and elsewhere to capture this city. . . . You would have me break my oath and surrender the government without a blow. There is no Washington in that—no Jackson in that—there is no manhood or honor in that.⁶⁵

Reverend Fuller and his group returned to Baltimore where he wrote to Secretary of the Treasury, Salmon P. Chase: "From Mr. Lincoln nothing is to be hoped, except as you can influence him. . . . I marked the President closely. Genial and jovial, he is wholly inaccessible to Christian appeals, and his egotism will forever prevent his comprehending what patriotism means."⁶⁶

While these conferences and exchanges were taking place in Washington, there were other developments in Maryland. Before the busy day of April 19 had come to a close a portion of the military volunteers of Baltimore was called out.⁶⁷ On the next day, the City Council voted unanimously to place \$500,000 at the disposal of the Mayor for the defense of Baltimore. The banks, "with great patriotism and unanimity, voluntarily offered to advance the money through a committee of their presidents, consisting of Messrs. Columbus O'Donnell, Johns Hopkins, and John Clark," whom Brown termed "all worthy Union men."⁶⁸

A number of citizens from wards all over the City were volunteering to aid in the defense of the City. They were enrolled under the direction of the Police Board. Arms were partially provided, Mayor Brown recorded.⁶⁹ To make these volunteers more effective and to help preserve the safety of the City, authorities appointed Colonel Isaac R. Trimble to take command of all such individuals and units which chose to come under his command. Trimble was to report to the Police Board and take direction from it.⁷⁰ He was a West Point graduate,

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ Report of Mayor Brown to Baltimore City Council, July 11, 1861. *O.R.*, Series 1, II, 17.

⁶⁸ *O.R.*, Series 1, II, 17; Brown, *Baltimore and the 19th April*, p. 61; J. T. Scharf, *History of Maryland: From the Earliest Period to the Present Day* (Baltimore, 1879), III, 461 (note); Scharf, *Chronicles of Baltimore*, p. 597. This action was reported and endorsed on April 22 by the following papers: *Baltimore Sun*; *Baltimore American*; *Baltimore Daily Exchange*; *Baltimore Clipper*; *Baltimore South*.

⁶⁹ *O.R.*, Series 1, II, 17; Brown, *Baltimore and the 19th April*, p. 61.

⁷⁰ See "Baltimore and the Crisis of 1861," with an introduction by Charles McHenry Howard, grandson of Charles Howard, President of the Police Board in 1861, in *Md. Hist. Mag.*, XLI (December, 1946), 257-281.

class of 1822, who had retired in 1831 with the rank of Lieutenant to become a civil engineer. He headed up the volunteer forces for less than a month after his appointment and subsequently served in the Confederate forces, attaining the rank of Major General.⁷¹

Trimble, in command of the volunteers, was in constant receipt of instructions from the Police Board and the Mayor. Orders were given, for example, that "no provisions of any kind" should be transferred from Baltimore to any point or place; and that no steamboats should leave the Baltimore harbor without the express sanction of the Police Board. On another occasion, April 22, the Board expressed gratitude to the volunteer groups and added:

To avoid however all causeless excitement, you will please direct the Associations under your command, to refrain at the present-juncture from using martial music in the streets.—The sound of a drum at once collects crowds, and gives rise to the circulation of all sorts of rumours, calculated to produce unnecessary, and mischievous excitement.

For the same reason we desire that all unnecessary parading of Bodies of men, not at the time in execution of your Orders, may be dispensed with.—⁷²

With the April 19th crisis passed, Trimble on May 2, 1861 was directed to cut the volunteer forces to "One Hundred reliable men" who desired to stay on to aid the City. To the surprise of City authorities, the "volunteers" asked for compensation and although it was made clear that this had not been a condition of their service, a sum of \$3200 was appropriated. It would appear from the records that those requesting compensation received from this sum and by other means approximately \$3.00 per man for the two weeks of service.⁷³

Matters in Baltimore and Annapolis were aggravated when a detachment of Massachusetts volunteers, under the command of General Butler, arrived in Philadelphia on April 20 and, finding the direct route to Washington closed, went by rail to Perryville and on to Annapolis by water. Meeting little opposition,

⁷¹ *Ibid.*, pp. 258-259.

⁷² *Ibid.*, p. 261.

⁷³ *Ibid.*, pp. 260, 267, 276-279.

he landed in Annapolis.⁷⁴ For some time thereafter he was a thorn in the side of Governor Hicks and of the people of Baltimore and surrounding areas. That it can be said his activities played an important part in the suppression of Maryland and the prevention of her secession does not lessen the resentment he created toward himself and thus toward the Federal Government. Many people censured Governor Hicks for not playing a stronger role against Butler, and insisted he should have called out the state militia and prevented Butler's troops from landing at Annapolis.⁷⁵

It is evident that secession sentiment was on the great increase in Baltimore and Maryland in the days following the April 19 riots. The people not only resented the transportation of troops across their soil, but also the bitter denunciations the North hurled at the State. Horace Greeley of the *New York Tribune* said: "That the villains who fomented this attack [April 19] are at once traitors and murderers, no loyal mind can doubt. . . . In every instance of collision between the Unionists and secessionists up to this moment, the latter not only have been the aggressors, but the wanton, unprovoked, murderous aggressors." He went on to say that if the "traitors" were not suppressed by Maryland authorities, the "United States will be compelled to occupy Baltimore with a force sufficient to preserve order, and keep the way open to the City of Washington. This is no time for half measures."⁷⁶

So resentful were the Baltimoreans that they welcomed a new newspaper, *The South*, to champion the Southern cause. It justified secession, denounced Mayor Brown for his efforts to protect Massachusetts troops on April 19, rejected the policy of armed neutrality, implored the people to support the Southern cause, and declared that Lincoln was "scared."⁷⁷

⁷⁴ O. R., Series 1, II, 589 *et seq.*; Sandburg, *Abraham Lincoln: The War Years*, I, 275; see Charles B. Clark, "Suppression and Control of Maryland, 1861-1865: A Study of Federal-State Relations During Civil Conflict," *Maryland Historical Magazine*, LIV, Number 3 (September, 1959), 243-244, for Butler's arbitrary and unauthorized occupation of Baltimore and establishment of martial law.

⁷⁵ *Baltimore Sun*, April 30, 1861; W. L. W. Seabrook, *Maryland's Great Part in Saving the Union*, pp. 23, 25; *Maryland House and Senate Documents* (1861), Doc. A.

⁷⁶ Quoted in Frank Moore, *Rebellion Record*, I, 79. The *Baltimore Sun* of May 2, 1861, expressed fear of a Northern invasion and retaliation upon Maryland for the April 19th affair.

⁷⁷ *Baltimore, The South*, April 22, 23, 24, 1861.

At this juncture, Maryland seemed but a stone's throw from an alliance with the South. The Confederate states watched every move with the greatest expectation that Maryland would soon be one of them. Steamers were made available on the James River, in Virginia, by which it was reported seven thousand men could be put in Baltimore within twenty-four hours.⁷⁸ H. D. Bird, Superintendent of the South Side Railroad, notified Leroy P. Walker, Confederate Secretary of War that Colonel Robert L. Owen, president of the Virginia and Tennessee Railroad, had just arrived in Petersburg from Baltimore.

He [Owen] witnessed the butchery of Baltimore citizens by the Massachusetts regiment yesterday. He states the city is in arms and all are Southern men now. . . . Maryland is rising. Lincoln is in a trap. He has not more than twelve hundred regulars in Washington and not more than three thousand volunteers. We have three thousand in Harper's Ferry. . . . An hour now is worth years of common fighting. One dash and Lincoln is taken, the country saved, and the leader who does it will be immortalized.⁷⁹

Major General Kenton Harper, commanding Virginia forces at Harper's Ferry, reported to the Virginia Adjutant-General that he had 2,000 men. He added that he had "effected an understanding with the Maryland authorities. They are pledged to report to me any hostile approach through their territory, and consent to the occupancy of the heights commanding my position whenever necessity requires it."⁸⁰ Jefferson Davis notified Governor John Letcher of Virginia on April 22 that thirteen additional regiments had been requisitioned, and added: "Sustain Baltimore if practical. We re-enforce you."⁸¹ Colonel Robert E. Lee, in Richmond, was notified on the same day by L. P. Bayne and J. J. Chancellor, from Alexandria, that any communication from Lee or Governor Letcher intended for General George H. Steuart, who was recruiting for the Confederacy in Baltimore, or that was directed to any other Maryland authority, could be delivered at once by horse express through Major Montgomery D. Corse, commander of the Alexandria battalion. They reported people of Baltimore and Maryland were united on one thing, at least: that volunteers headed

⁷⁸ *O. R.*, Series 1, II, 771.

⁷⁹ *Ibid.*, 771-772.

⁸⁰ April 21, 1861, *ibid.*, 772.

⁸¹ *Ibid.*, 773.

for "Federal service against Virginia and other sister Southern States shall not, if they can help it, pass over the soil of Maryland." ⁸²

Confederate recruiting in Baltimore yielded more volunteers than could be armed at once. Governor Letcher on the advice of the Virginia Advisory Council ordered General Harper, at Harper's Ferry, to deliver 1,000 of the captured arms to General Steuart.⁸³ Letcher also persuaded his Advisory Council to make available 5,000 additional muskets for Marylanders from the arsenal at Lexington, Virginia.⁸⁴ The decision of Virginian officials to make such arms available was prompted by the confidential mission to Virginia of Colonel Francis J. Thomas, Adjutant-General of the Volunteer forces in Baltimore under General Trimble's command. On May 5, 1861, Thomas reported to Trimble that he had conferred with Virginian military and naval officials at Norfolk and had been allowed to specify Baltimore's needs. He had decided upon twenty 32-pound guns, twenty-four 24-pound guns, and five 8-inch or 68-pound Columbiads, plus a small "quantity of shot, some cannon locks, as models, and a few such small articles." Thomas had the approval of Governor Letcher for these supplies, and told Trimble he

intended to send these arms by water, as I previously informed you, and had a portion of them loaded when the Blockade by the U. S. Government of the Virginia waters, and Cruisers in the Chesapeake Bay rendered that proceeding, in my opinion too hazardous. I therefore at once shipped them overland by Rail . . .

The guns will be at Winchester, where they will await my orders, between now and Wednesday next, and, in all probability from 10,000 to 15,000 stand of small arms furnished by the authorities of North and South Carolina.⁸⁵

⁸² *Ibid.*, 774. Virginian authorities received regular information on developments in Maryland. *Ibid.*, 779-780 *et seq.*

⁸³ April 22, 1861. *O. R.*, Series 1, II, 773.

⁸⁴ *Ibid.*, 774. April 22, 1861.

⁸⁵ "Baltimore and the Crisis of 1861," *Md. Hist. Mag.*, XLI (December, 1946), 258-259, 268-273. Colonel Thomas added that he had been compelled to "draw on Marshal Kane as follows" and then itemized names of those to whom he had paid out a total of \$2,355. M. G. Harman, Quartermaster of Virginia, had received \$2,000 of the total. This was not a final accounting, said Thomas, nor did it include his own expenses. See *Ibid.*, 269-273 for other letters in connection with this mission as well as other financial accounting.

It is noted that Thomas' negotiations took place after Virginia's ordinance of secession but before popular vote ratified it on May 23. However, Virginia was already in a defensive arrangement with the Confederacy.

The ordnance arranged for by Thomas did not reach Maryland due to the disbandment of the volunteer forces in Baltimore and the occupation of the City and other parts of the State by Federal units. This episode indicates, nevertheless, why Federal officials considered it necessary to play a heavy hand in Maryland to hold her in the Union.

The 5000 muskets from the arsenal at Lexington, however, were delivered to Baltimore on the night of April 22 under the surveillance of Major E. H. McDonald, an aide to General Harper. Of his reception in Baltimore, McDonald wrote:

I was escorted to the Institute [Maryland], where the Maryland Line was quartered, then to Holliday street where Marshal Kane had his police and cannon. Everywhere the colors of the Confederacy were displayed—upon the houses and the people—as if all Baltimore was of one mind, and that was with the South; I was urged to tell the Virginia authorities to move the army from Harper's Ferry to Baltimore. Before leaving for Harper's Ferry that evening (April 22) I was told that John W. Garrett, president of the Baltimore and Ohio Railroad desired to talk to me. I went to his office where I met him and the chief officers of the road. He told me to go at once to Richmond, and tell authorities to move their men to Baltimore and make the fight there, that everything was favorable for such a move; the railroads North of Baltimore were cut and nothing from the West was leaving the City; that they were taking all the freight offered in the West, and that Baltimore was then full of supplies necessary to any army.⁸⁶

McDonald conveyed the requests to Virginia. At Richmond he talked with General Lee, who had been placed in command of all Virginia troops on April 23, in regard to sending troops to Baltimore. He described Lee as a "cautious leader" who did not approve of the idea. McDonald paid high tribute to Marylanders who fought in the Confederate ranks, stating that Maryland's "best blood stood in the forefront of most of the battles of the Army of Northern Virginia. In numbers she may not

⁸⁶ McDonald's account was published in the *Baltimore Sun*, December 7, 1901, and reprinted in the *Southern Historical Papers*, XXIX (1901), 163-166.

have furnished her quota, but in heroism and self-denial they were peerless among the troops . . . of the South.”⁸⁷

Southern newspapers were beside themselves at the prospect of Maryland joining them. The attacks on the Sixth Massachusetts brought forth the prospect of all border states aligning with the South. “The glorious conduct of Maryland decides the contest at hand,” crowed the *Daily Richmond Examiner*.⁸⁸ Maryland had thrown herself in the path of the enemy and “made of her body a shield for the South.” No longer could the South consider Marylanders as “time-servers and Submissionists,” bowing necks to the “execrable yoke of Lincoln.” Instead, Maryland was now “that nursery of fine regiments” and would shortly become the “camping ground of the South” instead of being the “camping ground of the enemy, preparing to rush upon the South.” Maryland was the state “least infested with Tories” during the Revolution, the *Examiner* incorrectly asserted, and her people were of “gentle blood and chivalric nature.” Maryland’s action against the Massachusetts troops had obliged Governor Hicks “who had been machinating against the South for three months” and who “was about to consummate his treason, to relinquish his thirty pieces, and declare for the South.” Maryland had now also insured “Washington City” for the South and would force Lincoln and his “body-guard of . . . cut-throats from the White House.” The South would now have the entire waters of the Chesapeake which for foreign commerce

is worth as much to us as the Mississippi for domestic trade. Maryland is the Louisiana of the East. Baltimore and Richmond will be the New York and Philadelphia of the South, and Norfolk her Boston and Portland combined. . . . We shall have our system of maritime economy intact and complete. It makes the Chesapeake a *mare clausum*; and the commerce of Baltimore, instead of being exceptional and exclusive, becomes Southern, homogeneous and fraternal. Besides all this, Maryland contains more sailors than all the South besides.

The South could not have spared Maryland. Her territory, her waters, her slaves, her people, her soldiers, her sailors, her ship-builders, her machinists, her wealth, enterprise and bravery were

⁸⁷ *Ibid.*

⁸⁸ April 23, 1861. See *Ibid.*, April 22, 1861 for full coverage of the Baltimore attacks on the front page, taken from the *Baltimore Sun* of April 20, 1861.

all essential to it. The noble stand taken by Maryland against Lincoln and his lieutenants, has called up all these reflections, and doubly endeared that gallant State to her own land and people, bone of her bone and flesh of her flesh.⁸⁹

On the following day the *Examiner* was still exuberant. Washington would be captured before "dog days." Before then the "vile dogs now there will have had their day, and the gentlemen of the two States—the old 'Maryland Line' and the 'Continentials' of Virginia, will congregate upon the banks of their own Potomac, and celebrate the first year of their greatest deliverance and heartiest jubilee." Meanwhile, the "*Baboon* [Lincoln] would take to the 'hog wallow prairies' of Illinois."⁹⁰

Maryland, however, was not prepared for the plunge. The *Baltimore American* was stressing the need for harmony. Yet in an editorial "Preparation and Organization" this same paper asserted that to "prevent passage of troops . . . they should be met beyond the limits of the City by such an organized force as will make the prohibition effectual."⁹¹ Thomas Scharf, historian who served in the Confederacy, wrote in 1874 that the passage of additional troops through Baltimore would have had dire consequences. A great loss of life and lost opportunities for conciliation would have resulted. He recalled that incursions upon "our City were daily threatened, not only by troops in the service of the Federal Government, but by the vilest and most reckless desperadoes, acting independently . . . and sworn to the commission of all kinds of excesses . . ."⁹²

For some days after April 19th it appeared not only to many Southerners but also to Northerners that Maryland had definitely taken her stand with the Confederacy. Horace Greeley wrote that Maryland was "practically on the morning of 20th of April a member of the Southern Confederacy. Her Governor spoke and acted the bidding of a cabal of the ablest and most envenomed traitors . . . Baltimore was a secession volcano in

⁸⁹ *Daily Richmond Examiner*, April 23, 1861.

⁹⁰ *Ibid.*

⁹¹ *Baltimore American*, April 19, 20, 1861.

⁹² J. T. Scharf, *Chronicles of Baltimore*, p. 597. Despite Scharf's affiliation with the Confederacy his writings are unusually accurate in fact, and he seems fair in interpretation. On Scharf, see *Biographical Cyclopaedia of Representative Men of Maryland and the District of Columbia* (Baltimore, 1879), pp. 123-126.

full eruption.”⁹³ Only Cecil County, next to Pennsylvania and in touch with the North by rail and telegraph, Greeley said, remained fully and openly loyal to the Union. The Western Counties—Allegany, Washington, and Frederick—were preponderantly loyal but had been overawed and paralyzed by the attitude of the rest of the State and even more by the nearby force of Virginians in command at Harper’s Ferry and who threatened Western Maryland.⁹⁴

Carl Sandburg says of the days following the Baltimore riots: “The news of the street fighting, of heads broken with stones, of innocent bystanders meeting bullets, of taunts and howls and jeers, of shrieking women, went North and South; the war drums beat wilder.”⁹⁵

Certainly there was sufficient secession sentiment to give the greatest of concern to the Federal Government. Southern emblems appeared everywhere. And the Minute Men, a Union Club of Baltimore, fearing that the flag would be desecrated, hauled down the national colors, and replaced them with the Maryland flag, as a crowd cheered lustily. Mayor Brown recorded that

Everywhere on the streets men and boys were wearing badges which displayed miniature confederate flags, and were cheering the Southern cause. Military companies began to arrive from the counties. On Saturday [April 20], first came a company of 75 men from Frederick, under Captain Bradley T. Johnson, afterwards a General in the Southern Army, and next two cavalry companies from Baltimore County and one from the Anne Arundel County. These last, the Patapsco Dragoons, some thirty men, a sturdy body of yeomanry, rode straight to the City Hall and drew up, expecting to be received with a speech of welcome by the Mayor. I made them a brief address, and informed them that despatches from Washington had postponed the necessity for their services, whereupon they started homeward amid cheers, their bugle striking up ‘Dixie,’ which was the first time I heard that tune. A few days after, they came into Baltimore again. On Sunday . . . came in the Howard County Dragoons, and by steam-boat that morning two companies from Talbott [sic.] County, and soon it was reported that from

⁹³ Horace Greeley, *The American Conflict: A History of the Great Rebellion in the United States of America, 1860-1865* (Hartford, 1867), I, 468.

⁹⁴ *Ibid.*

⁹⁵ *Abraham Lincoln: The War Years*, I, 229.

Harford, Cecil, Carroll, and Prince George's, Companies of uniformed militia, were, of course, under arms.⁹⁶

Edward A. Robinson, another eye-witness, says that it was impossible to describe the intense excitement which prevailed:

Only those who saw and felt it can understand or conceive any adequate idea of its extent. Meetings were held under the flag of the State of Maryland, at which the speeches were inflammatory secession harangues, and it was resolved that no soldier should be allowed to pass through Baltimore for the protection of the National Capital. Secessionists and sympathizers with rebellion had everything their own way. The national flag disappeared. No man dared display it, or open his mouth in favor of the Union. The governor of Maryland, who had been a strong Union man, was overawed, weakened and induced to call out the State militia. The 'Maryland Guards' were immediately under arms, and batteries of artillery, with horses in harness, were paraded in the streets.⁹⁷

The United States Arsenal at Pikesville, unoccupied at the time, was seized by Baltimore County troops.⁹⁸ Many Maryland officers in the United States Army resigned their commissions and accepted positions in the State Militia.⁹⁹ This action, of course involved most difficult decisions for many of these officers. Captain Franklin Buchanan, late of the U. S. Navy, and shortly to become an Admiral in the Confederate Navy, wrote to United States Senator James Alfred Pearce of Maryland that he resigned from the Federal service out of good faith to Maryland, being convinced the State would secede or had already done so. He could not, therefore, raise his arm against her. Yet he stated he was never an advocate of secession; rather,

⁹⁶ Brown, *Baltimore and the 19th April*, pp. 64-65. See similar accounts in the *Baltimore American*, April 22, 23, and in Scharf, *Chronicles of Baltimore*, p. 600.

⁹⁷ Edward A. Robinson, "Some Recollections of April 19, 1861," *Md. Hist. Mag.*, XXVII (1932), 274-279. Robinson was a sergeant of Company A of the Maryland Fifth Regiment, a volunteer organization of 700 men composed of some of the best elements of Baltimore. Robinson helped to defend his Company's armory on Baltimore and Calvert Streets, where 900 Springfield Rifles were stored. He also organized a company of three months' volunteers. The company never went to the front because the Federal government refused to accept it, fearing the men would desert with their arms to the South.

⁹⁸ Nicolay and Hay say that the Arsenal was taken over by order of Governor Hicks to be protected for the Federal government. *Abraham Lincoln: A History*, IV, 123. See also Brown, *Baltimore and the 19th April*, p. 65.

⁹⁹ Brown, *op. cit.*, p. 66.

he claimed to be a strong Union man under the Constitution and the laws.¹⁰⁰

The *Baltimore Sun* reported the offer of three to four hundred "of our most respectable colored citizens" to lend support and services to protect Baltimore and the State from Federal aggressions. Mayor Brown promised to call upon them, if needed.¹⁰¹

Edward Bates, Attorney General for the United States, recorded the following views and allegations about Maryland and her citizens:

The people of Maryland . . . are in a ferment, a furore, regardless of law and common sense.

In Maryland there is not even a pretence of *state* authority, for their overt acts of treason.

. . . in Maryland and Virginia they are in open arms against us, and by violence and terror they have silenced every friend of the government.

They think and in fact find it perfectly safe to defy the Government, and why? Because we hurt nobody. *They* cut off *our* mails, *we* furnish theirs gratis. *They* block our communications, *we* are careful to preserve theirs—*They* assail and obstruct our *troops* in their lawful and honest march to the defense of this Capitol while *we* as yet have done nothing to resist or retard the outrage.

They every day are winding their coils around us, while *we* make no bold effort to cut the cord that is soon to bind us in pitiable impotence[.]

They warm up their friends and allies, by bold daring, and by the prestige of continued success—while we freeze the spirit of our friends every where, by our inaction and the gloomy prestige of defeat.

They are active and aggressive everywhere from the Patapsco to the Mississippi; while we are aggressive nowhere, and active only in slow preparations for the defence of this City. Of course this City must be defended, but I am persuaded that some of its best means of defence may be found in active aggressive measures elsewhere.¹⁰²

In spite of all the testimony that secession for Maryland seemed a certainty, there were forces that would keep her in

¹⁰⁰ Letter of June 26, 1861, quoted by Bernard Christian Steiner, "James Alfred Pearce," *Md. Hist. Mag.*, XIX (1924), 22-24.

¹⁰¹ *Baltimore Sun*, April 23, 1861.

¹⁰² Edward Bates, *Diary* (April 23, 1861), pp. 185-186.

the Union. Mayor Brown, while noting that "the outward expressions of Southern feeling were very emphatic, and the Union sentiment temporarily disappeared," felt that Baltimore was in "armed neutrality." True, he said, many, especially the young and more reckless of the people would have adopted secession whole-heartedly. But he denied that the City of Baltimore and the state as a whole were in any sense members of the Southern Confederacy as some charged had been secretly agreed upon. When passions had a chance to cool

a strong reaction set in, and the people rapidly divided into two parties—one on the side of the North and the other on the side of the South, but whatever might be their personal sympathies, it was clear to all who had not lost their reason, that Maryland, which lay open from the North by both land and sea, would be kept in the Union for the sake of the National Capital, even if it required the united power of the nation to accomplish the object.¹⁰³

The first demonstration of returning loyalty in Baltimore was on Sunday morning, April 28, when a sailing vessel crowded with men and covered from bow to stern with national flags sailed past Fort McHenry. Those aboard cheered and saluted the flag at the Fort, and it was dipped in return. The tide had turned. Union men asserted themselves, the stars and stripes were again unfurled, and order was restored in Baltimore. The darkest days had passed.¹⁰⁴ But Maryland had not yet taken official action on her course. Public opinion, during the latter half of April, 1861, was predominantly disloyal, but when finally Governor Hicks called the State legislature to meet in special session on April 26, it was to chart a course that would help save Maryland for the Union.

The *Richmond Daily Examiner*, so elated over the prospect of Maryland's secession a few days earlier, declared on May 7 that Maryland was a "subjugated Province." Joy had turned into bitterness as the journal concluded: "Crushed between the river [Potomac] and the North, and controlled by a vast commercial metropolis, full of wealth and Yankees, and represented by [Henry] Winter Davis, but little else could be expected from that unfortunate Commonwealth."¹⁰⁵

¹⁰³ Brown, *Baltimore and the 19th April*, p. 77.

¹⁰⁴ E. A. Robinson, "Some Recollections of April 19, 1861, *loc. cit.*, pp. 274-277.

¹⁰⁵ May 7, 1861.

THE JAMES J. ARCHER LETTERS:

A MARYLANDER IN THE CIVIL WAR, PART I.

Edited by C. A. PORTER HOPKINS

TO read the letters of James Archer especially those to his family is to admire not only the man but also the time in which he wrote. While the letters which follow may not reveal important historical secrets, they do reveal the innermost thoughts of a man whose concern was with his duty to his country, his family, and his friends.

The eighth of eleven children born to John and Ann Archer, of "Rock Run," in Harford County, James Archer's pre-Civil War career was discussed in the *Maryland Historical Magazine*, Volume 54, December, 1959. The collection of letters, some two hundred and twenty at the Maryland Historical Society which were written by James Archer, date from 1845, with the bulk of them dating after 1855. This Part, the first of two, will present those letters written from January 1861 to June 1863. The second Part will present the rest of the collection which ends in October, 1864, the month of his death. All letters are printed as in the originals with punctuation and spelling untouched. In a few cases, interpolations are used to show the inclusion of a word obviously intended but which has either been omitted in the original or made illegible through wear and tear.

While there are a few descriptions of James J. Archer that have been left by his contemporaries, none is so explicit as that given by Mary Boykin Chesnut in *A Diary From Dixie*. Mrs. Chesnut wrote in her diary on August 27, 1861:

Things were growing rather uncomfortable, but an interruption came in the shape of a card. An old classmate of Mr. Chesnut's—Captain Archer, just now fresh from California—followed his card so quickly that Mr. Chesnut had hardly time to tell us that in Princeton College they called him "Sally" Archer he was so pretty—

when he entered. He is good-looking still, but the service and consequent rough life have destroyed all softness and girlishness. He will never be so pretty again.

Another description of Archer, this time by a Confederate veteran who served under him, Captain F. S. Harris of Nashville, Tennessee, can be found in the January issue, Volume III (1895), of the *Confederate Veteran*.

The make up of Gen. Archer was enigmatical. His exterior was rough and unattractive, small of stature and angular of feature, his temper was irascible, and so cold was his manner that we thought him at first a Martinet. Very non-communicative, and the bearing and extreme reserve of the old army officer made him, for a time, one of the most intensely hated of men. No sooner, however, had he led his brigade through the first Richmond campaign, than quite a revolution took place in sentiment. . . He had none of the politician or aristocrat, but he never lost the dignity or bearing of an officer. While in battle he seemed the very God of war, and every inch a soldier according to its strictest rules, but when the humblest private approached his quarters he was courteous. There was no deception in him and he spoke his mind freely, but always with the severest dignity. He won the hearts of his men by his wonderful judgment and conduct on the field, and they had the most implicit confidence in him. He was dubbed "The Little Game Cock."

While it is to be regretted that none of Archer's family or staff left written records of their feeling for him, it is certain that he was loved by his intimate friends and family. The light, bantering tone which crept into his letters to his sister Nannie is an evidence of mutual affection. The fact that Oliver Hough Thomas, one of Archer's staff, later married Nannie would bear out this contention. The concern which James Archer expressed time and again for the welfare of his younger brother, Robert Harris Archer, is evident in these letters. In letters to be published later, Archer writes from prison camp telling his mother not to worry about him, and cautioning his sisters not to let her become concerned about his condition. George Lemmon, another of his intimate friends, and George Archer Williams, both of whom served on his staff, come in for their share of the general's concern, particularly Williams whose transgressions with alcohol at the time of the Fredericksburg battles were par-

ticularly irritating. Loved and admired by family and friends, respected by the men under his command, James Archer never forgot his native state.

As a Marylander in the service of the United States in early 1861, his personal problems must have been great. That his decision to join with the South had been made as early as the letters indicate is not strange, however; ties of family and friends were not things that he took lightly. His concern for the direction that his native State would take is evident in the letters written home from the Pacific coast. Undoubtedly his isolation had given him time to think out his own course of action, but only rarely can one detect any sense of impatience with his predicament.

Here, too, the word duty comes to mind. Would a man of today remain faithful to a frontier post for months while his friends left for the scene of action and a resignation took its slow course, a resignation which would make him an enemy of the government he represented? That Archer was a good enemy is attested to in these letters. His comments on electioneering among general officers indicate a fighting man's disdain for such things. While his modesty prevents him from bragging of his part in battles, he is quick to acknowledge the bravery of others. For instance, he speaks with pride of his brigade's part in the Chancellorsville battle; for this we can easily forgive him. Praise on the battlefield from Robert E. Lee, and from Archer's immediate superior A. P. Hill, was not easily won. But what of Archer's success as a soldier?

The earlier article, "A Marylander in The Mexican War" in the December, 1959, *Maryland Historical Magazine*, told of his accomplishments in that conflict. Several letters in the *Southern Historical Society Papers* describe Civil War actions in which Archer and his brigade figured prominently. Among these are the accounts by M. T. Ledbetter in Volume XXIX, pages 349-354, of Gaines' Mill and Mechanicsville; by George Lemmon, one of Archer's staff officers, in Volume IX, pages 141, 142, of Chancellorsville; and by General Birkett D. Fry who succeeded Archer in command of his brigade after Archer's capture at Gettysburg in Volume VII, page 91 through 93, of Gettysburg. According to these brief accounts the brigade, and

its commanding general, were in the middle of the fighting in each of the engagements.

Some of Archer's reports of the activities of his brigade during this period can be found in the compendium *Official Records of the Union and Confederate Armies*. All of his reports are well composed, moderate statements of the performance of the men and the units under his command. Among them, those reporting operations August 24 through September 2, 1862, (Second Manassas), September 14 through 20, 1862 (Sharpsburg), and December 11 through December 15, 1862, (Fredericksburg), reveal the same characteristics of modesty and quick recognition of the merits of others. The reader interested in military detail will find a careful perusal of those reports most helpful in the study of the individual battles.

Perhaps it was because Archer did not revel in his own accomplishments that he was destined to fade into the background of Confederate history. If publication of these letters helps to cast a ray of light upon the figure of one of Maryland's Confederates, then the work is well worth the doing.

Fort Colville W. T.

27th January 1861

My dear Mother

By the last express I received letters from Albert and Sister of 28th Oct. and from Nannie of 3^d & 27 November

I am surprised you should not be aware of the change made last spring in the mail arrangements for California which account for the apparent irregularity of my letters home — There is a weekly overland mail from San Francisco by which I believe all the letters are sent — but the mail is carried only twice a month

There is also a poney express from San Francisco which carries letters in a much shorter time for 5\$ a half ounce I have only sent one by that way. We have only just received the certain result of the Presidential Election — The permanent sectional majority has now control of the executive branch of the government and will maintain it to the end — it will soon have congress and the federal judiciary. — pass any acts whatever — decide them to be constitutional by the judges, and execute them by the President at the head of the whole physical force of the country — Against such an array the minority of the States will be completely at the mercy of the majority — in fact enslaved by it — depending altogether on its for-

bearance — The minority the south — will secede, for the reserved right of secession is all that is left — The result may be a peaceful establishment of a Southern Republic — The North may try to force the seceding States back into the Union — or after peaceful secession a reunion may come to pass, with a new & better constitution which will do what the old constitution intended; preserve the rights of each state against the power of the absolute control of the majority — I think & hope the latter may be the result. By this time you probably know —

I await with great anxiety the action of Maryland My first and last duty is to her — If she secedes, then the moment she does I throw up my commission in the U. S. A. return home and offer my services to the governor — Tell Nannie that I rec^d letters by last mail from Carr & Harvie¹ dated 17th Nov. both of them to be married on the 20th Nov the first to Miss Watts of Roanoke the other to Miss Meade near Richmond

With love to all at home

Ever affectionately

J. J. Archer

Fort Colville W. T.

27th January 1861

My dear brothers

The result of the presidential is just received here — Why have you never written me anything of this the most important subject that has occurred in our lifetime — Especially is it important to us whose homes & whose people & whose interest are on the border

Why has not Maryland like other and more wisely governed states placed herself in a condition to meet all emergencies by arming & organizing her people — Why is it that she stands like a quaker in time of war crying peace peace when there is no peace except in being prepared for war —

In the conflict which appears so threatening she cannot hope to remain neutral — she must take one side or the other — she must unite either with the dominant sectional majority on one side or with the minority on the other — perhaps she is afraid to show her

¹ George Watson Carr and Edwin James Harvie, both Virginians and officers in the 9th Infantry, resigned in the late winter of 1861 to enter the Confederate army, where both had distinguished careers (*Historical Register and Dictionary of the United States Army* by Francis B. Heitman. [2 Vols., Washington, D. C., 1903]. I, 285, 508.) Hereafter Heitman.

arms lest it might be construed into a provocation to a fight — but if there is to be a fight, the fight will come nevertheless — then why not be prepared for it — The great question of state rights which the framers of the constitution erroneously thought they had secured is now about to be determined — It has become apparent that there exists a permanent sectional hostile majority on the one side, a permanent sectional minority on the other — The majority is dayly & hourly increasing in strength — It will soon have both houses of congress under its control, and be able to enact whatever it pleases — It will soon control the supreme judiciary by means of the appointment of its members to the bench (Judge Marshall of Balt.^o as one for instance) and thus be able to pronounce its enactments constitutional — It has already, & will maintain the control of the executive to carry its enactments into effect — What security then has the minority or what dependence save in the forbearance of the absolute power of the majority — what then becomes of any state right — the great aim of the framers of the constitution was to make a government sufficiently strong to be effective for the necessary purposes, and at the same time guard against the possibility of any combination of interests to control the minority without their consent — It was thought the object was secured when each state was made equal in the federal senate & the other well known checks & balances provided — but all that has proved ineffectual — The south has no refuge except in the reserved right of secession — I do not mean to say that anything has yet occurred in overt acts which by themselves would justify secession but only that the condition of affairs shows that not only the government is in the hands of a permanent sectional majority, but that the constitution itself must inevitably fall into the same hands by means of their possession of the department provided for its interpretation, from which it follows, if I am correct that the south is completely at the mercy & forbearance of the North — in other words enslaved, although not yet oppressed — She has the choice now of asserting her rights & of demanding some guarantee for their preservation — If she waits until Lincoln is elected it will be too late — her morale will be gone, her places of strength seized, the armaments & arsenals removed, her officers in the federal army threatened with the rope for treason if they refuse, & compelled to fight against her — and yet at the last she will be goaded into to what would now be a constitutional act, but will then be considered rebellion, treason insurrection — Let her states now secede and the result will be the peaceful establishment

² Judge William L. Marshall of the Court of Common Pleas, Baltimore, resided at 29 McCulloh Street. Woods, *Baltimore City Directory*, 1860, p. 247.

of a prosperous Southern confederacy, an ineffectual attempt on the part of the North to force them back, or else, after the peaceful secession, a reunion with a new & perfected constitution capable of effecting, what the old constitution sought to effect, the preservation of the rights & sovereignties of each and all of its constituent parts —

I am satisfied that the result of a cession of all the Southern states will be, after a while, reunion with a better constitution which will be permanent and I am equally satisfied that the present constitution will fail to effects its objects under the interpretation it will receive from the majority of the states, and all that can be done by Union Parties under it, will be to postpone the evil day and make it more disastrous when it comes.

I anxiously await the action of Maryland — when she secedes I desire her to consider my services at her disposal — I will then immediately come home to her —

With love to all

Your affectionate
brother

J. J. Archer

To

H. W. and R. H. Archer

Fort Colville W. T.

17th March 1861

My dear Mother

By last mail I received Mary's and Nannie's letters dated respectively 7th & 18th January

It seems wonderful how calmly they can ignore the great events that are transpiring around them — I do not think they would take so little notice of it if it were only a thunder storm guided by a kind providence, but here we have a revolution with the devil & black Republicanism to wield its thunder and they even think I am indifferant to it — I do not care so much about their own opinions on the subject, but I want to know what part all our friends and relatives are taking — What would I not give to be in Maryland now —

The course of Maryland is so plain I can not comprehend how she should not be unanimous —

The constitution was destroyed the moment a permanent majority

was organised able eventually to control every branch of the government

The union was destroyed by the consequent secession of the cotton states. The question is shall we take advantage of these events to make a permanent harmonious reunion of equal states or not — It can be done but not by the adoption of any mere Crittenden compromises — Some more radical change is necessary

Something that will give security to the minority against the absolute power of the majority for all time to come for all parties and for all sections — Every State whether North or South which values its rights should secede & remain out of the Union until constitutional provisions were adopted — that would require at least $\frac{3}{4}$ of the electoral college to make a president and the same or nearly the same proportion of Senators to pass a law — I would almost favor a veto, on the passage of laws, placed in the hands of the senators from any one state

Nothing much short of that will restore harmony & a feeling of security to the country — no peace that is not made on some such basis can be lasting. It would be a great pity to let the opportunity pass by for correcting the mistakes of the old constitution & rendering it perfect — With love to all

Most affectionately

yours

J. J. Archer

Fort Colville W. T.

14th April 1861

My dear Mother

Mary's letter of January 28th & Nannie's of February 8th were both received together by the mail before the last — I was absent when they came — 20th ult^o on information of an affray between some miners & Indians on the Columbia near the mouth of the Pend d'Oreille in which five Indians & three whites were killed I was sent up with 60 men of my company — I left here the same day at 10 O'clock and reached the post of the British commission at *Old* Colville in time to cross the river with my company & pack animals before sun set — I then dined at the mess of the officers of the commission which occupied me until 9 O'clock when I went across again to my company — I had scarcely wrapped myself in my blankets when it commenced raining — It continued to rain snow sleet or hail almost without intermission for five days — and as we went out without

tents our blankets & clothes were wet during all that time — Arrived at Mouth of the Pend Oreille 22nd about 12 O'clock distance marched from here 63 miles — remained at Pend Oreille until 3^d inst. during which time there were only two days without rain or snow — when I arrived at Pend Oreille the Indians to the number of 50 had assembled at the mouth of the Kootenay 35 miles further up the Columbia, and the same distance North of our boundary entirely out of my reach. I was glad afterwards that it was so, when on investigation I had learned that the affray had been a whiskey fight & confined to the parties engaged of from ten to a dozen on each side — It took my messenger whom I sent up to the Indian camp to summon the chiefs to meet me more than a day to reach it, traveling as he may be obliged to do on snow shoes, while the chiefs came down to my camp in their birch bark canoes in between four & five hours —

The matter was settled to the satisfaction of all parties. The miners, who had been much frightened and were all about leaving the country, resumed their work and the Indians dispersed to their hunting grounds

I had fine weather on my way back, and being in no hurry took my time, and did not arrive until the 6th

I am completely disgusted with the dilatory course of Maryland — Have applied for leave of absence which may POSSIBLY enable me to leave in six weeks — Will resign as soon as I learn that Maryland has done at last what she ought to have done already & will be *compelled* to do

The union is at an end — the only question (if it is a question) for Maryland is in the choice between the sections

With love to all

Affectionately yours

J J Archer

Fort Colville W. T.

1st May 1861

My dear Mother

I wrote you in my last that I had applied for a leave of absence & that it was possible I might get it by the 1st June — It is scarcely possible I can get it before July as there is no other officer present with my company —

And the probability is that I will not get it before November — for

it is a general rule not to grant leaves during the summer & early fall months — For a month past I have been an early riser going to drill every morning at 5½ O'clock & breakfasting at 7

Cpts. Fletcher & Frazer & Lts. Carr Harvie & Alexander³ of our reg. have resigned — they were on leave at the East at the time — Repeat my thanks to Nannie & Mary for their never failing remembrance — their letters were duly received by the last express — I am so thoroughly disgusted with the shameful attitude of Maryland in the “impending crisis” that I forbear to say a word on the subject — Oh! that I could have been at home from the day of the presidential election until now that I could have joined my weak voice to the call of the few there who seemed to see and appreciate the true interest & honor of Maryland

With love my dear mother to you & all of yours

J J Archer

Fort Yamhill

12th July 1861

My dear brother

It seems idle for me to write on the questions which now absorb all the interest of every man in the whole country. — Before my letters reach you the events to which they relate with all their immediate consequences have become history as indeed, they already have, before tidings of them come to sadden to mortify and humiliate me in my remote solitude — I had sent forward my resignation before I received your letter advising me not to resign

I sent it with the utmost horror and abhorance for and righteous indignation against the crimes of the Northern people and the base and unnatural wretches who are upholding them in Maryland —

Napoleon is reported to have said that Providence always was with that side which had the heaviest artillery but I humbly believe that the battle is not always to the strong nor the race to the swift

Maryland will sometime stand erect again and it is awful to contemplate the just vengeance she will visit upon those of her sons who have betrayed her to her foes

³ Captain Crawford Fletcher and Captain John Wesley Frazer, both veterans of the Mexican War. (Heitman, I, 425, 434.) While no further record can be found of Fletcher, Frazer, a West Point graduate, became Colonel of the 28th Alabama Infantry, C. S. A., and was appointed brigadier general May 19, 1863. He died in 1906. (*Generals In Gray: Lives of the Confederate Commanders* by Ezra J. Warner [Baton Rouge, La., 1959], 93.) Hereafter *Generals In Gray*. Lt. James Barton Stone Alexander, a Virginian, and graduate of West Point in the class of 1852, died August 15, 1861. Heitman, I, 156.

I am thankful that while striving in the vain effort to preserve a *peaceful* Union you still denounce this fratricidal war — wicked when waged by northern people infamous and abhorrent when aided or abetted or encouraged in any ways by Marylanders whose friends & relatives & neighbors are destined to be early victims of laws perverted by their northern masters.

How much have Gov. Hicks & his party to answer for in suppressing the constitutional voice of Maryland in this great — Only let a convention of her people have spoken and it would have been obeyed — whatever it might have counselled — We would not then have heard of the riot in the streets of Baltimore — Either the Federal troops would have been permitted to pass quietly through the streets of Baltimore or they would have been opposed by an organized force according to the usages of civilized war — But as it was each man was left to his individual judgment — Hundreds of brave upright patriotic men in every part of the state have been left to place themselves in positions where their enemies may by a little stretch of law sentence them to condign punishment — they might have been saved by a convention held at an early period —

S. T. Wallace ⁴ & Jno Merryman ⁵ & Lloyd and Bob & a host of others what may not be their fate under this reign of terror ———

I arrived here to day & expect as Col Wright promised me ⁶ to be relieved from the command of the Fort in a few days as soon perhaps as I can complete the papers connected with turning over the company property & the Ordnance, commissary and Quartermaster Stores of the post making out Muster & pay rolls &c

With much love to you and all our family

I remain my dear brother

Yours truly

J J Archer

⁴ Severn Teackle Wallis, one of the founders of the Maryland Historical Society, and a versatile leader of the Maryland Bar, was imprisoned in September 1861, for his Confederate sympathies and released over a year later. *DAB*, XIX, 385-6.

⁵ John Merryman, prominent farmer of "Hayfields," Baltimore County, Md., and first lieutenant of the Baltimore County Horse Guards, was arrested May 25, 1861, by United States troops and taken to Fort McHenry. Indicted for treason on the basis of his participation in the destruction of the Parkton bridge on April 22 while acting under orders, Merryman obtained a writ of *habeas corpus* from Chief Justice Taney. The disobeying of this writ and the resulting excitement gave Marylanders of Southern sympathies much to talk about. *History of Baltimore City and County* by J. T. Scharf (Phila., 1881), p. 885.

⁶ Colonel George Wright of Vermont, a graduate of West Point in the Class of 1818, had a long career in the regular army, which included service and brevets in the Florida Indian campaigns, the Mexican War, and the Civil War. He died by drowning on July 30, 1865. Heitman, I, 1062.

I have been much hurried in writing this — would like to have had time to give my views more at length & to express them more clearly

Fort Yamhill Oregon

16th July 1861

My dear Mother

Arrived at Fort Dallis 7th inst. & received orders to continue on to Fort Yamhill & assume command of that post — There was no choice except to obey or else leave my company en route without an officer — Proceeded next day by steamboat down the Columbia & up the Willamette & Yamhill river to Dayton, thence marched 36 miles to Fort Yamhill where I arrived 12th inst.

This is the most beautiful delightful & desirable post on the Pacific coast — The country is fertile and well cultivated — The post itself situated on a hill overlooking the Yamhill river which is here about the size of Deer Creek — The view from my quarters is very like that from Priestford but more beautiful

Every thing on which the [eye] can rest for many miles distant is green as emerald — the fresh green fading into blue as the distance expands to the coast rough mountains

A low gap in the mountains lets in the delightful sea breeze from the Pacific Ocean which is only fifteen miles off — In command of this Post with no one to interfere with me in any way I know of no situation which under ordinary circumstances could be more agreeable to me — In all human probability too I would be left quietly here during the war — but by remaining here I would enable the U. S. government to send another officer to fight against my people — and when I get home I will be able to fight for them — I have just turned over the command of the Post & of my comp^y & all the Govt. property to Lt Sheridan⁷ of the 4th Inf. — and

⁷ Philip Henry Sheridan, commander in chief of the United States Army from 1 November, 1883, to 5 August, 1888, the day of his death, Heitman, I, 881. Sheridan's account of this incident is as follows:

In due time orders came for the regiment to go East, and my company went off, leaving me, however—a second lieutenant—in command of the post until I should be relieved by Captain James J. Archer, of the Ninth Infantry, whose company was to take the place of the old garrison. Captain Archer, with his company of the Ninth, arrived shortly after, but I had been notified that he intended to go South, and his conduct was such after reaching the post that I would not turn over the command to him for fear he might commit some rebellious act. Thus a more prolonged detention occurred than I had at first anticipated. Finally the news came that he had tendered his resignation and been granted a leave of absence for sixty days. On July 17 he took his departure, but I continued in command till September 1, when Captain Philip A. Owen, of the Ninth Infantry, arrived and, taking charge, gave me my release (*Personal Memoirs of P. H. Sheridan* [2 vols.; New York, 1888] I, 121).

tomorrow I leave for the east — I have obtained from Gen^l Sumner a leave of absence of sixty days based on my resignation which I sent off about the 10th of May last — So I am no longer a U. S. officer ———Fort Vancouver W. T.

23^d July

I am here as the guest of Capt Black^s — The officers here treat me with great kindness & hospitality — especially Black, Capt Mason & Col. Wright & his family — The Colonel gave me duplicates of his full length photograph taken on visiting cards — Mrs. Wright asked me to send one of them to Nannie with her love

San Francisco

July 29th 61

The reins are being drawn so tight and there are so many Federal officers going East in the steam that I fear an arrest in New York should I go that way — I leave this evening by steamboat to Sacramento thence by overland mail stage to St. Jo. Mo. — Should I find on arriving at Fort Kearney that I will not be able to get through Missouri will buy horses and ride across outside the Kansas settlements into Arkansas

Colonel Wright's parting with me was very kind he expressed much regret at my leaving his regt. but not a word of disapproval of my course — I think he was satisfied I was right although he could not say so

Louisville Ky

23^d August '61

My dear Mother

Arrived here yesterday morning overland, from San Francisco

Run the guantlet all the way from St. Joseph through camps of Northern soldiers and traveled in the same cars with companies & battalions of Northern troops — was not recognized and met with no other annoyance than the inspection of my baggage in Indiana opposite this place —

Whenever you write to me send your letters under cover directed to Major John Caperton Louisville Ky. — I am as yet undetermined whether after arriving in Nashville Ten. I will go to Richmond or to Southern Missouri — whichever I may conclude will be best for the cause

^s Henry Moore Black of Pennsylvania, a graduate of West Point in the class of 1842, was a Mexican War veteran, who eventually became colonel of the 6th California Infantry regiment. He retired from the army as a colonel in 1891, after fifty years of service, and died August 5, 1893. Heitman, I, 221.

God help the people of poor degraded fettered Maryland — Ever
my dearest Mother with the tenderest love

Your son

J J Archer

Nashville Ten

24th Aug. 61

Arrived here last night en route for Richmond Va. — I had thought of going west & reporting to Pillow — but am anxious to where I can directly aid in the liberation of Maryland — besides I want to be near Bob whom I was told in San Francisco is in the C. S. Army in Virginia

Went to see Mrs Adams (Miss Throckmorton) and Mrs. Bell (Miss Jane Garvin) while in Louisville. They enquired very affectionately for Nannie and sent love — the first has 4 the other 5 handsome children — They are well mannered and live handsomely

Col Balie Peyton who traveled with me yesterday has been very attentive since my arrival here & have just returned from making some visits with him

In the hope of a speedy return of peace to our destr(ict)

Richmond Va

27th Aug 1861

My dear Bob

I sent in my resignation dated 10th May — Got tired waiting for an answer from Department H^d Qrs., and started off on 7 days leave to report myself to Gen^l Sumner as a passenger — Rode down to Ft. Walla Walla (210 miles) and found that my company was ordered to Ft. Dallas, Oregon — As I had left my company without an officer, and as there was no officer at Colville available for the duty I returned to Colville & brought my company down — On the way I received orders to take my company on to Fort Yamhill — There was no option but to obey or else leave the company *en route* without an officer — I went on to Fort Yamhill, and, as soon as I could make out the necessary papers, ordered Lt. Sheriden, whom I had been ordered to relieve, to take command of the Post and of my company, and receive my company property, and on the 16th July started for Dixie — Came by way of Portland (Oregon) San Francisco, Salt Lake City St. Joseph (Mo.), Indianapolis, Louisville (Ky.) Nashville (Tenn.) and Lynchburg — Arrived Yesterday — Oliver Thomas urged me very strongly not to take that route,

and said if I would wait two days and come by Steamer he would come with me — I would certainly have been arrested in New York — I expect Oliver soon — He can come safely through New York but I could not have done it — I find a few loose dimes in my pocket after paying the expenses of my trip.

28th August '61

Enclosed you will find drafts on Bank of Virginia for fifty dollars — will send another by tomorrow mail for the same amount making together \$100 0/00

J. J. A.

Confidential

Richmond Va.

28th Aug 1861

My dear Bob

I wrote you this morning that I would send you another draft for \$50 0/00 — But this concern is so slow that I fear I will be left high & dry myself before I am assigned to any duty — I will therefor have to hold on to my dimes for the present until I can see my way

Yrs truly

J J Archer

29th Aug.

I open this to ask you to come down tomorrow if you can I want to consult you about getting some such position as you are entitled to — If you can't come tomorrow let me know by letter directed to Exchange Hotel Richmond when you *can* and what particular day you can NOT come for I want to see you and would be sorry to go to Fairfax on the same day that you come to Richmond

[On back] Pvt. Robert H. Archer
Capt Gaither's Company
of Maryland Cavalry
Col Stewart Bryan
Fairfax Ct. House
Virginia.

Richmond

Sept 23^d '61.

My dear Bob

I am determined you shall not remain long in your present position — Be of good cheer — Let me again caution you my dear brother

against your imprudence in talking of certain of your officers — It is almost mutinous — I must caution you also against one other thing abstain from it absolutely — I am very anxious about for fear you will put it in the power of your enemy to destroy your chance of getting what I am almost certain I will for you

I send your blanket to-morrow to Maj. Spurrier Qr. M. at Fairfax Station to be forwarded to you by the first teams that go to Col J. E. B. Stewart's Cavalry

If Stewart's teams are not going to Fairfax soon get Swann to send you there for it — Be careful my dear brother & you need not despond — I hope to have matters arranged in *every respect* to your satisfaction

I am most painfully anxious about you

Yours truly

J J Archer

Keep your Hardee's tactics

Confidential

Richmond

24th Sept. '61

My dearest brother

The prospect I think is brightening — and this evening I feel confident that you will soon be commissioned a major — but whether of Cavalry or dragoons I don't know — Do not be disheartened if I fail —

I have sent you to care of Spurrier & Bealls at Fairfax Station a blanket gloves pr. of socks & drawers shirts (woollen) 2 hdkrchfs and 1 vol. cavalry tactics

Yrs affty

The package will be sent by Bealls by the first teams that your regt. sends to the station for forage — Enquire of the Qr. Mr. of yr. regt. when that will be and ask him to instruct the waggon master to ask for it — If it will be too long to wait get leave to go to the station yourself.

I hope you have not long to wait in your present position — Be careful & give no one the power to take any advantage of you

Yours &c

J. J. A.

Say nothing to any one at all of what I have written.

Richmond Va.

27th Sept. 1861

My dear Brother

I have not been able to get a majority for you but Gov. Letcher has promised to give you the Lt. Colonelcy vacated by my resignation which I tendered to him on that condition — My purpose and expectation in offering my resignation was to fall back on my confederate army rank & serve as a Volunteer aid — I filed my resignation yesterday and this morning much to my surprise received a commission of Colonel in the provisional army with orders to take command of the sixteen companies of Texans which have lately arrived here — I have met with many Kind friends here chief amongst whom are Gen^l Anderson late of the U. S. Senate from Tennessee Phil. Dandridge whom I think has been my most effective friend and Dandridge's friends all of whom treat me as their own — I desire you when you meet Major Carr to remember that he is my especial friend — the same Carr who was called Tampeco Carr) when we were in New York — Capt. Picket⁹ late 9th Inf. now Col. is in command of the District where you are going — He will be a strict disciplinarian but most Kind to you — Col. Mallory¹⁰ your immediate commander you will find as Kind as possible — you must accept the Lt Colonelcy —

I will try to get your orders to report to Col. Mallory in time to send them up to *Fairfax Station* so that you can meet them there and and get an order for your transportation for yourself and horse from Maj. Barbour — Should you consider it necessary to make any demand on Capt. Gaither¹¹ it must only be for what regards your-

⁹ George Edward Pickett, a Mexican War veteran, and fellow captain in the 9th Infantry in the West, later became a major-general in the Confederate army. Heitman, *op. cit.* I, 791. Archer always spoke highly of Pickett, and at one point called him "one of the best and most gallant and most distinguished officers and gentleman in America" (Archer letters, *Md. Hist. Soc.* 21 April, 1864).

¹⁰ Francis Mallory of Virginia had been appointed a second lieutenant in the 4th Infantry in June 1856. He resigned from the army July 10, 1861, to enter the Confederate army where he eventually became colonel of the 55th Virginia Infantry (Heitman, I, 686.)

¹¹ George R. Gaither was born in Baltimore in 1831, and educated at schools there and at Lawrenceville, N. J. Organizer of the Howard County Dragoons before the war, Gaither and his company participated in the aftermath of the April 19 riot in Baltimore. Shortly thereafter Gaither and many of the Howard County Dragoons crossed into Virginia, where on May 14, 1861, at Leesburg, Company M, First Virginia Cavalry, with Gaither as captain, was organized. After the war Gaither returned to Baltimore where he engaged in the cotton business and took an active role in the reorganization of the Fifth Regiment. He died in 1899. *The Maryland Line in the Confederate Army 1861-1865* by W. W. Goldsborough. (Balto., 1900), p. 249, and The Dielman File, Md. Hist. Soc.

self personally, anything beyond that will give him an excuse — after your own individual honor has been satisfied you will then be in a condition to make what you may chose to say for your friends, effective — but it is not a matter for you to make the subject of a demand upon him — Call at the Post Office when you come to Richmond if you do not find a letter from me — call on Maj. Weston at Exchange Hotel — He will tell you where you can find me

J J Archer

Richmond Va

1st Oct 1861

My dear Bob

The Governor has appointed you a Lt. Col. of Virginia Volunteers — I wrote you before that I could not get you a majority

You will be with my friends Col. Picket and Col. Mallory

Your *orders* I have sent to Fairfax *Station* Care of Maj. Spurrier

I have been appt^d Colonel in Provisional Army and am on duty with Texan Troops

Yours affectionately

J J Archer

You are ordered by the Sec. of War to report to Col Mallory at Tappahannock near Fredericksburg Va. Col. Picket who commands there & Col Mallory are both my friends

J J Archer.

Richmond Va.

Oct. 1st 1861

My dear brother

I send you your orders on which you can get transportation from Maj. Spurrier at Fairfax and Capt. McGiven at Mannassas for yourself & horse — if you can not get the transportation for your horse you had better send him direct to Fredericksburg which is on the way from here to Tappahannock —

I am Colonel in the Provisional army and assigned to command of the Texan troops

Cousin James Archer of Mississippi is here with his family — cousin John did not leave for the West but is still on duty here when you write direct to care of Maj. G. A. Weston, Richmond Va. — When you come down if you do not meet me go to Maj.

Weston's Counting room No. 15 Pearl Street about 200 yards below the Exchange Hotel (Weston & Williams)

Affectionately

J J Archer

I Keep your commission for you until you come

Lt Col. R H Archer

55th Va. Infy

Richmond Va

29th Oct. 1861

My dear brother

I have entirely recovered my health and, to-day for the first time, moved all my baggage to camp — I had scarcely got comfortably fixed, before Gen^l Wigfall,¹² in whose brigade the 4th & 5th Texas are included, arrived here and sent for the field officers of the Texans to come in to see him — He expects the President to allow him to take our Regts up to the Potomac day after to-morrow. I saw Mr. Garnett who told me he had seen you at Fredericksburg — also Simonton who had seen you at your camp. Please write soon my dearest brother and tell me everything you would say if I were with — How do you like your position and your officers

Remember me kindly to Picket & Mallory

Yours affectionately

J J Archer

Care of Maj. J. A. Weston

Camp near Richmond

4th Nov 1861

My dear brother

Tell how you are getting on I feel very anxious about you I find there is much to do, and so much is ex[pected] to every body in a Volunteer Reg. besides the drill & other ordinary duties that I am afraid you will find but little time to perfect yourself in the

¹² Louis Trezevant Wigfall, of South Carolina, was one of the prominent figures of the Confederacy. As a United States Senator from Texas he was expelled from the Senate on July 11, 1861, after having participated in the bombardment of Fort Sumter and the founding of the Confederacy. Soldier, politician, and vigorous opponent of President Jefferson Davis, Wigfall lived for a time in Baltimore after the war: *Generals In Gray*, p. 336.

drill — Should you find your position too difficult for you, in Infantry, to which you have not been accustomed. Mallory or Pickett will no doubt aid you in obtaining a transfer [or] a majority in some cavalry the duties of which you are accustomed to If you desire it whenever you inform [me] that you do I will try & find a place for you to transfer But Mallory or Pickett will be more likely [to] find somebody to exchange

Affectionately

J J Archer

Remember me to Pickett
and Mallory

You can assign as a reason for transfer your great preference for Cavalry

Lt. Col. Robert H. Archer
55th Regt. Virginia Volunteers
Tappahannock
Virginia

Dumfries Va.

15th Nov 1861

My dear Bob

I sent you a few days ago a letter rec^d from Nannie dated 25th Oct — all well at that time — I was delighted to see by your own & Pickett's letters that you are doing so well & receive so much Kind attention and are so much liked by Pickett & Mallory — I will always remember them for it & will never lose an opportunity if one should present to put a spoke in their wheels — Give my best love to them both

Yrs affty

J J Archer

My regt. is stationed two miles from here — We are in daily expectation of receiving an attack — but from what direction cannot tell perhaps from the other side of the Potomac where the enemy are assembled in force perhaps from Occoquan where many have already landed

J. J. Archer

Col 5th Tex. Vols.

Hd 5th Tex Regt4th Dec 1861

My dear Bob

The fight has not come off yet — but the Gen^{ls} expect it this week — I have been suffering for ten days past with diarrhea and am taking good care as I can to get in good fighting order — am a good deal better to-day — We have not begun yet to make huts — waiting to see if *Abraham* is coming — Our letters from home were captured with the heavier Mr. Brown (brother the young gentleman of that name whom you met at Weston's) who is now a prisoner at Ft. M^cHenry — I am confident now that with diligence & close attention to every thing you will have no difficulty

Yours Affectionately

J J Archer

Remember me to Pickett and Mallory

J J A

Hd Qrs 5th Tex. Regt.

Camp Neabsco near Dumfries

18th December 1861

My dear brother

I have just received a letter from Major Weston who says of you "I have lately seen several officers of his (your) regiment and never heard higher encomiums than they pay to his social and military qualities"

I congratulate you my dear brother — Only just continue to strive in every possible way for excellence in military profession — and neglect no means of preserving the confidence of your regiment — I have here a most excellent regiment My officers are almost all intelligent gentlemen — the men if they were well, would be all that I ask but unfortunately, owing, I believe, to their marching through the Louisiana Swamps during the bilious season, and to the measles which they took after arriving at Richmond, and the seven night march from Brook's Station and insufficient clothing, two thirds of my regiment is sick. I write home occasionally but with very little expectation that my letters will ever reach their destination — From all I can hear from Maryland the States rights people are badly off and likely to be worse — their crops are or will be seized their negroes horses waggons &c pressed without compensation into the Federal service and I suppose at last all their property

will be confiscated and they will be turned out utterly destitute on the world — For a long time past it has been impossible for property holders to collect any rents — and many affluent families in Baltimore the McFadden, Ellicotts for instance have been obliged to open boarding houses. We are camped 3 miles north of Dumfries on the Alexandria road on the neck of land between Powell's run & Neabsco creek about 2 miles from Freestone point — The enemy a few days ago sent in two steam tugs and burnt an old fish house on the shore — I happened to be down there with Gen. Wigfall & saw the whole thing — we had no troops there or battery — only a cavalry picket of $\frac{1}{2}$ dozen men — They Kept up a great firing of shells at us but did no harm

The Generals still expect an attack here by land & water —

With regards to Cols. Pickett & Mallory

Yours affectionately

J J Archer

H^d Qrs Texas Brigade
near Dumfries Va.

8th January 1862

To be continued.

SIDELIGHTS

THE MEMBERSHIP OF THE MARYLAND LEGISLATURE OF 1861

By RALPH A. WOOSTER

In the great sectional crisis of 1860-1861, the state of Maryland was particularly important; her loss to the Union would automatically surround the national capital with enemy territory. It would be impossible to ascertain the exact sentiment of people within the state but certainly there were powerful secessionist tendencies within some of its areas in the spring of 1861. Following the outbreak of hostilities between Massachusetts troops and the Baltimore populace on April 19, 1861, Maryland Governor Thomas H. Hicks called for an immediate session of the state legislature to determine what course should be pursued. Prior to this time Governor Hicks had repeatedly refused to issue such a call, asserting his belief that Marylanders should give the new Lincoln administration a fair chance before any action should be taken.¹ But the April 19th incident now determined the governor that the legislature must be called.

On Friday, April 26, members of the legislature assembled at Frederick in special session.² Although the governor's call had given only four days' notice, most members were present for the opening session and others joined them within the following week. Seldom in the history of the state had the legislature faced a more grave decision, whether or not to join the eleven sister slaveholding states that had withdrawn from the Union.

¹ George L. P. Radcliffe, *Governor Thomas H. Hicks of Maryland and the Civil War* (Johns Hopkins University Series in Historical and Political Science, Ser. XIX, Nos. 11-12; Baltimore, 1901), 20-30; Charles Branch Clark, "Politics in Maryland During the Civil War," *Md. Hist. Mag.*, XXXVI (September, 1941), 241-262; Eugenia Nash, "The Political Situation in Maryland, 1861," (M.A. thesis, University of Texas, 1936), 9-21; and Carl M. Frasure, "Union Sentiment in Maryland, 1859-1861," *Md. Hist. Mag.*, XXIV (September, 1929), 210-224.

² On April 24, two days prior to the scheduled convening, Governor Hicks transferred the meeting place from Annapolis to Frederick. In so doing Hicks cited the "extraordinary condition of affairs" which impelled him to make the move for the "safety and comfort" of the members. See Proclamation of the Governor, *Journal of Proceedings of the Senate of Maryland, In Extra Session, April, 1861* (Frederick, 1861), 4.

The actual work of the legislature in the sectional crisis has been told elsewhere in both primary and secondary accounts.³ Information pertaining to the legislative membership is not so easily accessible, however, and these notes will attempt to provide some insight into the personal characteristics of the members themselves. The information for this study has been found in the manuscript returns of the Federal Census of 1860. By systematically searching through these returns county by county data concerning the individual members of the 1861 legislature has been collected and brought together to permit various analyses of the entire body.⁴ Such information should provide an aid in understanding the subsequent actions of the legislature in the secession crisis.

The ages of eighty members of the legislature have been ascertained from the manuscript census returns. The average age for these legislators was 44.5 years and the median age was 44 years. Over a third of the members, thirty-one in number, were in their forties, five members were in their twenties, twenty in their thirties, fifteen in their fifties, eight in their sixties, and one member (Thomas Franklin of Anne Arundel) was in his seventies. As might be expected Senate members were slightly older than House members, the average age for the Senate being 46.4 years as compared to 43.4 years for House members.⁵

Over three-fourths of the legislators, sixty-nine members, were born in Maryland. Only one other member (H. M. Morfit of Baltimore), a Virginian, was born in a slaveholding state. Three members were born in Pennsylvania, two in New Jersey, one in Vermont, one in Ohio, two in Germany, and one in Ireland. The birth places for seven House members and one Senate member have not been ascertained.⁶

Thirty-eight members of the legislature, or exactly one half of those whose occupations were found, were listed as farmers or

³ Especially *Journal of Proceedings of the Senate; Journal of the Proceedings of House of Delegates in Extra Session* (Frederick, 1861); Charles Branch Clark, "Politics in Maryland During the Civil War," (Ph.D. dissertation, University of North Carolina, no date given), 162-230; Eugenia Nash, "The Political Situation in Maryland, 1861," 77-98; and Radcliffe, *Thomas H. Hicks*, 70-78.

⁴ The manuscript returns of Schedule No. 1, Free Inhabitants, and Schedule No. 2, Slave Inhabitants, are in the National Archives, Washington 25, D.C. The writer used microfilm copies in the Library of the University of Texas, Austin, Texas, and in the Library of Lamar State College of Technology, Beaumont, Texas. For a thorough description of these returns and their use in historical studies see Barnes F. Lathrop, "History from the Census Returns," *Southwestern Historical Quarterly*, LI (April, 1948), 293-312.

⁵ Based on information taken from the manuscript returns, U. S. Census, 1860, and shown in the Appendix to this study.

⁶ *Ibid.*

planters in the Federal Census of 1860. Surprisingly, there were only fourteen lawyers present, a smaller percentage than was usual in Southern legislative bodies. A wide range of other occupations, including merchants, physicians, and trades-people, were included as illustrated in Table 1.⁷ It may be noted that House membership showed a much greater variety of occupations than Senate membership.

Property holding interests of Maryland legislators were quite varied, ranging from no property listed in the census to the \$400,000 for J. Hanson Thomas, president of a Baltimore bank. As a result of a few extremely large holdings such as those of Thomas, Ross Winans of Baltimore (\$250,000), Thomas McKaig of Allegheny (\$136,000), and Curtis Jacobs of Worcester (\$150,000), the average property holding for legislators, \$16,820 in real and \$18,104 in personal property, is considerably higher than the median, \$10,000 in real and \$5,000 in personal property. The median for Senate members, \$19,500 in real and \$13,650 in personal property, was considerably above that of House members, \$7,000 in real and \$4,250 in personal property.⁸ Table 2 shows the various divisions of property ownership within the legislature.

TABLE 1
MARYLAND LEGISLATURE
OCCUPATIONS

<i>Occupation</i>	<i>House</i>	<i>Senate</i>	<i>Total</i>
Farmer or Planter	28	10	38
Lawyer	9	5	14
Physician	5	2	7
Merchant	4		4
Miller	2		2
Public Official	1		1
Bank President	1		1
Civil Engineer	1		1
Sailor	1		1
Teacher	1		1
Carpenter	1		1
Cabinet Maker	1		1
Canal Superintendent	1		1
Planter-Lawyer	1		1
Farmer-Merchant		1	1
Lumber Merchant		1	1
Unknown	10	2	12
Total	67	27	88

⁷ *Ibid.*

⁸ *Ibid.*

TABLE 2
MARYLAND LEGISLATURE
PROPERTY HOLDINGS *

REAL PROPERTY

<i>Amount of Property Held</i>	<i>House</i>	<i>Senate</i>	<i>Total</i>
No real property listed	11		11
Under \$5,000	10		10
\$5,000 and under \$10,000	11	2	13
\$10,000 and under \$16,820 (Average)	11	7	18
\$16,820 and under \$25,000	9	3	12
\$25,000 and under \$50,000	4	6	10
\$50,000 and under \$100,000	1	1	2
\$100,000 and over	2		2
Total	59	19	78

PERSONAL PROPERTY

No personal property listed	5		5
Under \$5,000	24	3	27
\$5,000 and under \$10,000	9	5	14
\$10,000 and under \$18,104 (Average)	6	4	10
\$18,104 and under \$25,000	3		3
\$25,000 and under \$50,000	7	6	13
\$50,000 and under \$100,000	1		1
\$100,000 and over	2	1	3
Total	57	19	76

Forty-seven members of the legislature, or 53.4 per cent, were found as slaveholders in Schedule No. 2 of the manuscript census returns. Table 3 shows the various divisions of ownership, twenty-five members holding from 1 to 9 slaves, five holding from 10 to 19 slaves, and seventeen members holding over twenty slaves. Of these seventeen members who held twenty or more slaves, only

* Based on real property holdings available for seventy-eight men (eight members not located in census returns and two listed as propertiless slaveholders and thus excluded as information is obviously erroneous) and personal property holdings available for seventy-eight men (eight members not located and four listed as slaveholders who held no personal property and thus excluded).

three (Washington Duvall of Montgomery, Benjamin Parran of Calvert, and Barnes Compton of Charles) held fifty or more slaves in 1860.

Thus the study of personal characteristics reveals that the Maryland legislature of 1861 was comprised primarily of middle-aged, small slaveholding, native Marylanders. Half of the legislators were engaged in agricultural pursuits and the other half were professional and trades-people. It was this membership that would decide what course the state would follow in the fateful months of the secession crisis.

TABLE 3
MARYLAND LEGISLATURE
SLAVEHOLDING

<i>Slaves Held by Delegate</i>	<i>House</i>	<i>Senate</i>	<i>Total</i>
No slaves	37	4	41
1 and under 10	18	7	25
10 and under 20	2	3	5
20 and under 30	4	4	8
30 and under 40	3	1	4
40 and under 50	1	1	2
50 and under 70		1	1
70 and under 100	1		1
100 and over	1		1
Total	67	21	88

MEMBERS OF THE MARYLAND LEGISLATURE OF 1861, WITH A SUMMARY OF DATA
TAKEN FROM THE MANUSCRIPT RETURNS OF U. S. CENSUS, 1860

MARYLAND—SENATE

<i>County</i>	<i>Senator</i>	<i>Age</i>	<i>Birth Place</i>	<i>Occupation</i>	<i>Slaves</i>	<i>Real Property</i>	<i>Personal Property</i>
Allegany	Thomas J. McKaig	54	Ohio	Lawyer	4	\$ 11,000	\$125,000
Baltimore	Andrew A. Lynch	54	Md.	Physician		40,000	40,000
	Coleman Yellott	39	Md.	Lawyer	1	13,000	4,000
Calvert	Thomas J. Grahame	41	Md.	Farmer-Planter	20	20,000	16,000
Caroline	Tilghman Nuttle	44	Md.	Farmer-Merchant	2	12,000	4,000
Carroll	John E. Smith	29	Md.	Lawyer	1		
Cecil	J. J. Heckart	56	Penn.	Lumber Merchant		32,500	6,500
Charles	John F. Gardiner	56	Md.	Planter	25	12,000	25,000
Dorchester	C. F. Goldsborough	30	Md.	Lawyer	40	5,000	25,000
Frederick	Anthony Kimmel	60	Md.	Farmer	13	26,700	13,300
Harford	Franklin Whitaker	41	Md.	Farmer	4	20,000	7,000
Howard	John S. Watkins	46	Md.	Farmer	11	12,000	6,000
Kent	D. C. Blackston	50	Md.	Farmer	8	8,000	5,000
Montgomery	Washington Duvall	63	Md.	Physician	61	60,000	33,800
Prince George's	John B. Brooke *						
Queen Anne's	Stephen J. Bradley	50	Md.	Farmer	4	13,000	5,000
St. Mary's	Oscar Miles	35	Md.	Farmer	27	19,500	25,000
Somerset	James F. Dashiell	27	Md.	Farmer	34	40,000	45,000
Talbot	H. H. Goldsborough	42	Md.	Lawyer	10	40,000	15,000
Washington	John G. Stone	53	N. J.			10,000	1,600
Worcester	Teagle Townsend	59	Md.	Farmer	29	30,000	14,000

MEMBERS OF THE MARYLAND LEGISLATURE OF 1861, WITH A SUMMARY OF DATA
TAKEN FROM THE MANUSCRIPT RETURNS OF U. S. CENSUS, 1860

MARYLAND—HOUSE OF REPRESENTATIVES

<i>County</i>	<i>Representative</i>	<i>Age</i>	<i>Birth Place</i>	<i>Occupation</i>	<i>Slaves</i>	<i>Real Property</i>	<i>Personal Property</i>
Allegany	William R. Barnard	34	Md.	Miller			\$ 300
	Joseph H. Gordon	43	Penna.	Lawyer		\$ 5,000	5,000
	David W. McCleary	40	Md.	Public Official		4,000	6,000
Anne Arundel	Thos. Franklin	73	Md.		28	5,000	40,000
	E. G. Kilbourn	45	Md.	Lawyer		20,000	4,500
	Richard C. Mackubin	40	Md.	Farmer		15,000	16,000
	B. Allein Welch	37	Md.	Farmer		22,400	10,000
	John C. Brune	45	Md.	Merchant		10,000	30,000
Baltimore	Robert M. Denison *						
	Wm. G. Harrison *						
	H. M. Morfit	64	Va.	Lawyer		30,000	5,000
	Charles H. Pitts	45	Md.	Lawyer		20,000	25,000
	Leonard J. Quinlan *						
	Laurence Sangston	46	Md.	Merchant		20,000	10,000
	T. Parkin Scott	56	Md.	Lawyer			4,000
	J. Hanson Thomas	46	Md.	Bank Pres.	2	100,000	300,000
	S. Teackle Wallis	44	Md.	Lawyer		1,100	5,000
	H. M. Warfield	36	Md.	Merchant			1,000
	Ross Winans	63	N. J.	Civil Engineer		111,000	140,700
Calvert	Thos. C. Worthington	36	Md.	Farmer			2,000
	James T. Briscoe	31	Md.	Planter-Lawyer	27	36,000	22,000
	Benjamin Parran	64	Md.	Farmer	80	10,000	20,000

County	Representative	Age	Birth Place	Occupation	Slaves	Real Property	Personal Property
Caroline	G. W. Goldsborough	42	Md.	Physician	1	\$ 5,000	\$ 2,000
	Henry Straughn	55	Md.	Farmer			5,000
Carroll	Bernard Mills	30	Md.	Physician		1,200	500
	John W. Gorsuch	40	Md.	Farmer	2	5,000	300
	David Roop	64	Md.	Farmer		10,000	1,000
Cecil	James W. Maxwell	25	Md.	Lawyer			
Charles	F. B. F. Burgess	50	Md.	Farmer	34	15,000	27,000
	Barnes Compton ¹	29	Md.	Farmer	106	20,000	
Dorchester	William Holland	46	Md.	Farmer	8	6,000	9,000
	John R. Keene	59	Md.	Farmer	39	25,000	29,500
	Thomas Claggett	46	Germany	Farmer	17	18,000	5,000
Frederick	Andrew Kessler	42	Md.	Farmer	7	9,000	3,000
	John A. Johnson	40	Md.	Farmer	2	18,000	4,000
	David W. Nail	63	Penna.	Farmer			
	Jonathan Routzahn	48	Md.	Farmer	2	27,060	15,394
	William E. Salmon	43	Md.	Farmer		7,700	400
	Wm. F. Bayless	46	Md.	Farmer	5	7,000	1,500
Harford	Rich McCoy	37	Ireland	Farmer		10,000	2,000
	Joshua Wilson	62	Md.	Physician	6	10,000	14,000
Howard	John Brown	50	Md.		5		
	William Turner	48	Md.	Farmer	3	3,000	700
Kent	Albert Meddlers	31	Md.	Farmer	5	1,000	1,500
	Philip F. Raisin *						
Montgomery	Howard Griffith	39	Md.	Farmer	9	5,750	9,500
	C. A. Harding ²	39	Md.	Physician			

MARYLAND—HOUSE OF REPRESENTATIVES

County	Representative	Age	Birth Place	Occupation	Slaves	Real Property	Personal Property
Prince George's	E. Pliny Bryan ³	30	Md.	Planter	41	\$ 6,000	
	Ethan A. Jones	45	Md.	Farmer	2	10,000	\$ 2,000
	Richard Wooten *						
Queen Anne's	William H. Legg	42	Md.	Farmer	4	12,000	1,000
	Wm. L. Starkey	52	Md.	Farmer		10,000	10,000
St. Mary's	Clark J. Durant	40	Vt.	Merchant	5	3,000	8,000
	George H. Morgan	39	Md.	Farmer	25	23,500	34,600
Somerset	James V. Dennis	37	Md.	Lawyer	39	20,000	20,000
	William T. Lawson	30	Md.	Sailor	2	2,000	2,000
	Edward Long	52	Md.	Lawyer	13	45,000	32,000
	Alexander Chaplain	25	Md.	Teacher			
Talbot	J. L. Jones	35	Md.	Carpenter		100	100
Washington	John C. Brining	49	Germany	Cabinet Maker		2,000	500
	James Coudy *						
	Martin Eakle	45	Md.	Miller	3	7,000	1,000
	Lewis P. Fiery ⁴	30	Md.				
Worcester	Andrew K. Stake	41	Md.	Supt. Canal			150
	Stephen P. Dennis	32	Md.	Physician		3,500	600
	Curtis W. Jacobs	45	Md.	Farmer	22	80,000	70,000
	George W. Landing *						

* Not found in manuscript census returns.

¹ No personal property listed for Barnes Compton.² Living with Henry Harding, age 78; born in Maryland; farmer; \$15,500 real property; and \$9,700 personal property.³ Living with Susan R. Bryan, age 49; born in Maryland; planter; \$10,000 real property; and \$22,000 personal property.⁴ Living with Harry Fiery, age 68; born in Maryland; farmer; \$34,000 real property; and \$1,700 personal property.

REVIEWS OF RECENT BOOKS

Americans at War: The Development of the American Military System. By T. HARRY WILLIAMS. Baton Rouge: Louisiana State University Press, 1960. xi, 139. \$3.50.

This lively and attractively written little book is a revision, in essay form, of the J. P. Young Lectures in American History which Professor Williams delivered at Memphis State University in 1956. You should be advised at once that the author concentrates on a single broad aspect of "Americans at war." This is what he calls "the command system," that is to say, the arrangements by which we have sought to give effect to the provisions of the Constitution which invest the President not only with authority to formulate national policy but also, as Commander-in-Chief of the armed forces, with responsibility for the formulation and execution of military strategy. Our present command system is a subject about which we are bewildered and anxious. Though Professor Williams has chosen, wisely I think, to exclude it from direct treatment, no one concerned about it can fail to derive wisdom, a better sense of proportion, and some comfort from his survey.

That survey is a history of our experimentation with command arrangements, in war and peace, from 1775 through World War I. In it Professor Williams has explored the implications of his important findings regarding Lincoln's exercise of command, set forth in 1952 in his *Lincoln and His Generals*. He there presented Lincoln as a far greater strategist and commander-in-chief than had been supposed, who, after a great deal of groping, and once he had found in Grant a general who would and could do what he wanted done, gave the United States "a model system of civil and military relationships and the finest command arrangements of any country in the world" (*Americans at War*, p. 81).

Fortified by this conviction regarding what Americans achieved in an unprecedented war, Professor Williams now concludes that, in general, Americans have done quite well in solving their problems of command in war; that what they have done well has been characterized by improvisation, for which he thinks we have a genius; and that when they have fumbled, since 1865, it has been because they ignored or misread their own experience and preferred foreign models.

He makes a strong case for this thesis in his account of Secretary Root's famous reform of the War Department and of the initial blunders of President Wilson and Secretary Baker in World War I. He argues that the effective command system that emerged from Root's reforms only after World War I could have been achieved long before if Root, misled by Upton's powerful account of American military policy, Wilson, the historian, who was ignorant of our military history, and Baker, who misread it, had understood the system that Lincoln had patiently put together to win the Civil War.

It would be hard to find a more incisive and helpful analysis of the merits and defects of the command and staff system introduced by Root than the historical critique that Professor Williams has given it in this book. That and his brilliant restatement of his views of Lincoln's achievement are highlights in his survey.

Like the rest of us he stands bewildered in contemplation of the stupendous complexities of the command system we have elaborated since World War II. The comfort regarding it that he offers is to find in our history a reminder that, in a showdown emergency, "extemporized arrangements expressing the American spirit may be superior to blueprint charts" and that a historian—"citing the examples of Washington, of Polk and Scott, and, above all, of Lincoln and Grant— . . . can show that men are vastly more significant than the structural perfection of any system."

KENT ROBERTS GREENFIELD

Baltimore, Md.

Money, Class, and Party: An Economic Study of Civil War and Reconstruction. By ROBERT P. SHARKEY. Baltimore: The Johns Hopkins Press, 1959, [The Johns Hopkins University Studies in Historical and Political Science, Series LXXVII, Number 2]. ix, 346. \$5.50.

The essence of this book's important contribution to our understanding of the American past will best be grasped if we remember Adam Smith's famous dictum that the degree of specialization depends upon the width of the market. Smith's dictum applies to the production of historical goods as well as other kinds of economic goods. There was a time, not so long ago, when American historians were relatively few in number. The distinguished minds among them—the Beards, the Beckers, the Turners—assaulted broadly the fortified positions of the forces of darkness. Their product took the form of generalizations which were often more in the nature of

intuition than truths stretched taut upon the tentpins of particulars. Thus Turner's "frontier"; thus Beard's "capitalist" class. Now we know better. The great trees—what Sharkey here calls "conceptual monoliths"—have fallen. And what has brought them to earth is the hacking of the hundreds, the specialists called into being by the widening of the market for historical insight. So be it. To paraphrase Trotsky on the death of Lenin: "the words 'Beard is undone' sound like great rocks falling into the sea." But if McDonald and Brown have attacked his beginnings, Sharkey his middlings, and dozens his finale concerning Roosevelt and the coming of the war, let it be said to the credit of Sharkey that he knows in the marrow of his mind the greatness of the man.

With the overall dimensions of Beard's concept of the Civil War and Reconstruction as a Second American Revolution Sharkey has no quarrel. He should have one, in my opinion. Professor Brown's careful work in the records of first Massachusetts and now Virginia (soon to be published) leave little of Becker's conceptual monolith: that a major facet of the Revolution took the form of a contest as to who should rule at home. Nevertheless, few would quarrel with Beard's dictum that the interests of the planter aristocracy dominated the national government in the pre-Civil War years. The reduction of their power did constitute a "revolution," probably the first that the American people had undergone. But Beard wrote as if the "capitalist" class which replaced that aristocracy was homogeneous in its economic interests and in its political affiliations. In the light of Sharkey's careful analysis that assumption is no longer tenable.

Just as Forrest McDonald has found diversity and even conflict of interest within Beard's business class of the constitutional period so Sharkey finds the same within Beard's capitalist class of a later period. Focussing upon the years 1865-1870 Sharkey reveals the dimensions of this diversity by analyzing the reactions of industrialists, bankers, farmers, and workers to the monetary and fiscal problems of those years, especially the problem of whether or not to contract the supply of greenbacks which the government had issued during the Civil War. Sharkey shows that some industrialists, only mildly protective, were, as in the case of many of New England's textile manufacturers, in favor of "sound" money. Others, especially Pennsylvania's iron and steel interests, understood clearly how "soft" money reinforces tariff protection against competing imports. Bankers were similarly divided on the issue of contraction. Metropolitan bankers, both east and west, made loans in the main by creating demand deposits subject to check. Having a lesser need

for currency they favored contraction in order to promote their interests as creditors. Two other groups of bankers saw things differently. Largely, I suspect, because they lacked comparable facilities for check clearances, country bankers needed currency for loan purposes, and hence opposed contraction despite *their* interests as creditors. Much of the business of private bankers in New York consisted of the financing of speculation in stocks and because inflation is conducive to fluctuation in equity values, and fluctuation is conducive to speculation, these men opposed contraction and sound money. Farmers, Sharkey clearly demonstrates, were prosperous until 1869, and were the least interested of all economic groups in currency questions during these years. In the pantheon of labor's heroes, surprisingly enough, dwelt such leading Radical Republican advocates of soft money as Thaddeus Stevens and Benjamin F. Butler. Thus the conceptual monolith of political affiliation, no less than that of economic interest, falls before Sharkey's rigorous analysis. Republicans divided into soft-money adherents, advocates of sound money, and political opportunists who jumped with the cat of changeling public sentiment. By 1867 Western Democrats, putting their faith in the people's money (greenbacks) rather than in bankers' money (banknotes) ranged themselves in opposition to contraction, unlike their brethren of the Eastern Democracy.

As this kind of analysis suggests, Sharkey goes a long way on the road of the argument that political and social change is mainly to be understood as reaction to economic change. Other things being equal, he believes, "men will tend to act and rationalize their thoughts in their own economic interest" (p. 271). But it is precisely this condition of *ceteris paribus* that causes the difficulty. Are things *ever* equal? There are several points in Sharkey's own analysis to suggest that they are not (see, for example, pp. 117, 118, and 308, *n.*). Indeed, Sharkey himself comes extremely close to the position that non-economic factors may play hob with straight-line economic analysis. "Fortunately or unfortunately depending upon the point of view," he writes, "autonomous factors can never be eliminated from the study of historical causation" (p. 308, *n.*). Economic determinism may be the most fundamental contribution which Beard made to historical thought. That his doctrine, as well as the corpus of his work, should fall under attack, is not surprising. Some of today's younger historians seem bluntly confident that economic interpretation does not "work." But I think the truth is that sometimes it works and sometimes it doesn't. Sharkey's shifting opinion in this matter are tribute paid by a good and honest mind to the endless complexity of things.

STUART BRUCHEY

Michigan State University

Three Against Lincoln. By MURAT HALSTEAD. Edited and with an introduction by WILLIAM B. HESSELTINE. Baton Rouge: Louisiana State University Press, 1960. xii, 321. \$6.

This is a book which a historian, political scientist or American would find well worth the price and the reading. A historian would find it both a valuable source and an example of how to perform his editorial functions gracefully. A political scientist, on the other hand, should find materials for arguing either to abolish or to continue our national nominating conventions. Any interested citizen should find the story of how the Democratic Party split in 1860 and how Lincoln was nominated both fascinating and instructive. Incidentally, this book has a special interest for Marylanders since Baltimore was the site of some of the drama. This book is a new edition of Halstead's *The Presidential Caucuses of 1860*.

Murat Halstead was a young Cincinnati newspaperman. He was an ambitious fellow with his eyes on owning the Cincinnati *Commercial* and a taste for influence within the newly organized Republican Party. In 1856, he had attended both the Republican and Democratic conventions. Since the latter was held in Cincinnati, Halstead could observe at his leisure the process by which Stephen Douglas of Illinois was then denied the nomination and James Buchanan became the Democratic candidate instead. The platform was ambiguous to say the least. This strategy of a "safe" candidate and a "two-faced" platform succeeded in 1856. Northern Democrats won votes with one version of their platform while southern Democrats carried their states with a pro-slavery interpretation. It took no great political institution to realize that such a maneuver could not be repeated many times especially since the new Republican Party had won almost 40% of the electoral vote. As an eager young reporter, Halstead had every reason to believe that the 1860 conventions would be important.

By convention-time, Murat Halstead knew that the meetings would also be exciting. Lincoln, in 1858, had gotten Douglas to assert his "Freeport doctrine." By this, slavery could be excluded from a territory merely by failure to enact laws protecting a master's property in his slaves. Such ideas were unpalatable to the leaders of the Democratic Party. Republicans charged the northern Democrats with being the "serfs" of southern masters. Elections in some New England states had gone against the Democrats even though they had espoused Douglas's ideas. Shortly thereafter, the Supreme Court delivered its decision in the Dred Scott case. The Court was so divided that not many people were satisfied with its action. Then

came the fanatic attack on Harper's Ferry. It was not surprising, therefore, when southern Democrats began demanding iron-clad assurances that slavery would not be excluded from the territories. To northern Democrats such a pledge would mean further losses to the Republican Party. Halstead needed no prescience to know that the 1860 conventions would produce interesting clashes of forces and opinions. His contemporaries and posterity owe him a debt for a clear and nearly complete job of reporting the several Democratic conventions at Charleston, Richmond, and Baltimore, the Republican convention at Chicago, and the Constitutional Union meeting again here in Baltimore.

Halstead's reports are interesting because he combined a sharp eye for detail with an intelligent man's insight. He reported various parliamentary maneuvers not merely to fill space but rather to chart the rise and fall of each faction's fortunes. For instance, a motion was introduced on the second day of the Democratic convention to free some of the delegations of voting by the unit-rule. This was described by Halstead as a measure of Stephen Douglas's strength among the delegates. Each vote on the platform was analyzed for signs of accessions or defections.

The issue, as Halstead saw it, was between the northern Democrats who wanted to win the national and local elections and their southern colleagues who insisted on a pro-slavery pledge. Delegate Payne of Ohio asked the southern Democrats, "Are you for a very abstraction going to yield the chance of success?" Delegate Yancey of Alabama suggested that his northern brothers had been losing to the Republicans because they had too closely imitated their rivals. A century later this suggestion would be labeled as a charge of "me-tooism." Shift to the high constitutional grounds of the Southern Democrats and all would be well, said Yancey. But such a platform would have made Douglas's nomination meaningless. Stephen Douglas and his supporters tried to find some way to get forty Gulf state delegates to leave the convention. This defection would not only have insured Douglas's nomination but would also leave the platform to his technical skills. Instead, Halstead saw Delegate Stuart of Michigan deliver a bitter attack on the southern position. Not forty but nearly eighty delegates from States spread between Delaware and Texas seceded. Here was an ill omen.

But not all was ominous. Halstead also reported the incidental "horseplay" as well. A delegate from Missouri had some fun at the expense of a New Yorker's bachelorhood. A Marylander prudently settled a proposed challenge for a duel with a round of drinks. When the Constitutional Union Party nominated John

Bell, there were repeated the predictable puns on his name. This was the "bell" that would toll the knell of the Democratic Party—and so on and on. Halstead reported the practice of delegates yelling and applauding the name of the man they favored for the nomination. Here may be the roots of the elaborately staged demonstrations of our modern conventions.

Murat Halstead showed no affection for this method of choosing a presidential candidate. He called them caucuses. "There is no honesty in caucuses, no sound principle or good policy, except by accident . . . The revenues of King Caucus are corruption funds . . . If a Republican form of government is to be preserved in our confederacy, the people must make a bonfire of his throne." Halstead believed William H. Seward had been cheated of the Republican nomination while Douglas had been tendered the Democratic standard without any hope of victory. The Douglasites had saved their honor and "wanted the South to be made to sweat under an Abolition President."

The centennial of both the Lincoln-Douglas-Breckinridge-Bell election and Murat Halstead's reports on the conventions is a doubly appropriate moment for republishing this work. We are not only reminded of the past but can use it as a frame of reference for our own recent experience. There have been renewed demands for reforms in our nominating process. Some have obvious merit. But what substitute for the face-to-face meeting between party leaders from all parts of the country would arise? Would the "smoke-filled" rooms of the conventions be replaced by bargaining in the Senate cloakroom? Halstead was all for abolishing the conventions. Significantly, the Democratic Party appears to have shelved both the Douglas strategy of pushing the southerners into withdrawing and the southern Democrats have desisted from trying to write the party platform. Whether this new accommodation will succeed must be left to future determination.

We are indebted to Professor Hesseltine of the University of Wisconsin for a good scholarly job of editing. The introduction places both Halstead and his report into their historical milieu. The Louisiana State University Press has done a workmanlike job.

Surely a reviewer is permitted one minor cavil. On page xix, William Henry Harrison is supposed to have named Halstead as minister to Germany. President Benjamin Harrison was meant. The editor is in good company since at least one well-known encyclopedia has mistaken "Tippecanoe" for his grandson. The triviality of this criticism should indicate both how well done an editing job it is and how worth while is the republication of this book.

NICHOLAS VARGA

Loyola College, Baltimore

A History of Calvert County, Maryland. By CHARLES FRANCIS STEIN. Baltimore, 1960. Published by the author and the Calvert County Historical Society. xv, 404. \$12.50.

Publication of a Maryland county history may well be described as an event possessing importance far beyond the bounds of the county concerned, of interest to the history-minded throughout the entire state. And when the story of the county has never before been chronicled, the value of the work is naturally vastly increased. Such a book is Mr. Stein's history of Calvert, fourth oldest of the Maryland counties, established in 1654 and known briefly as Patuxent County before assuming its present name.

It is rather odd that a county as old and historic as Calvert should have had to wait so long to have its story presented in book form. Perhaps the reason may lie in the fact that the county courthouse at Prince Frederick was destroyed by fire in 1882, the flames consuming the priceless county records dating back to the earliest days. It so happens that the late 1870's and the 1880's witnessed an unprecedented surge of research into local history in Maryland, marked by the publication of Hanson's "Old Kent" (1876), Scharf's "History of Baltimore City and County," (1881), Johnson's "History of Cecil County, Maryland" (1881), and others of a liked nature. At the same time, Dr. Samuel A. Harrison was publishing in local newspapers the results of his research into Talbot County's past, and Frederic Emory was doing the same in Queen Anne's County. All of these writers had the advantage of working with ancient records of the special area which was their concern. Perhaps the loss of Calvert County's records served to effectively discourage potential historians from delving into that county's historic background.

Mr. Stein has accepted the handicap thus imposed. From sources other than basic county records he has succeeded in assembling a coherent and immensely readable account of Calvert's earliest days and the men and women who lived in the county in those days. Anyone familiar with the difficulties of an enterprise of this sort—that is, of recreating in narrative form from generalized archives and the records of adjacent areas a history of a particular area—will recognize that the author must be accorded credit for a real tour de force.

Indeed, Mr. Stein has been so successful in this phase of his work that he has devoted what appears to be an inordinate amount of space to the county's colonial and post-Revolutionary history up to the War of 1812. Granted that the county's origin and early

development are of major importance and should be chronicled, nevertheless it would seem that Calvert's history from 1812 to the present day could have been accorded a more detailed treatment. That, however, is a minor criticism. As of now, Calvert is one of only about three counties in the state which have their story presented in book form up into the mid-1900's. Most if not all of the other county histories are far from up-to-date.

Recognizing the widespread and growing interest in genealogy, Mr. Stein has devoted nearly half of his handsomely printed book to the families and personalities of Calvert, with special emphasis on the county notables and their forebears. Little Calvert, smallest and least populous county in the state, has produced more than its share of distinguished men, among them Chief Justice Roger Taney and Gen. James Wilkinson, the latter a soldier of the Revolution and the War of 1812 whose connection with the Aaron Burr conspiracy has somehow led Maryland historians to generally ignore him. Those interested in genealogy will find that Mr. Stein's book will help materially to fill a gap in Maryland family records.

The author, a son of the late, eminent Judge Charles F. Stein of the Supreme Bench of Baltimore, is not a resident of Calvert but his interest in the county derives from the fact that his grandmother was a member of an old Calvert family.

With the publication of Mr. Stein's book only four Maryland counties are now without formal written histories. As pointed out in this magazine last year by Dr. Reginald V. Truitt, these counties are Howard, Wicomico, Worcester and, surprisingly enough, St. Mary's the mother county of the state. Since, as noted previously, most of the existing county histories are far out of date and one, that of Somerset County, covers only the very earliest period of county existence, it is to be hoped that with the passage of time the historical societies of the counties concerned may find means of remedying the existing omissions.

JAMES C. MULLIKIN

The Baltimore News-Post

Porte Crayon: The Life of David Hunter Strother, Writer of the Old South. By CECIL D. EBY JR. Chapel Hill: University of North Carolina Press, 1961. xi, 258. \$5.

For the past twenty years the reviewer has cultivated an abiding interest in the life and literary contribution of Porte Crayon to American literature. I like to think of him as the father of West Virginia literature. Over a hundred years ago he trekked over the

crest and into the narrow creek valleys of the high Alleghenies in what is mostly known today as the Monongahela National Forest. He etched in word and drawing these solitary, quaint folk: many of their descendants I have known, as I have followed pretty much the same trails ninety years after the artist-adventurer from Berkeley Springs. The West Virginia phase was one of the last in his career. Dr. Eby's expertly written biography places his whole life and career into focus. One of the main purposes of this book is to re-introduce one of the most gifted writers of the last century—who was one of the highest paid contributors of Harper's almost from the year this publishing firm was founded. It has puzzled me, as it has Dr. Eby, that Porte Crayon has been neglected by our anthologists. As Felix Mendelssohn rediscovered Bach seventy-five years after his death, I hope Dr. Eby's competent and eloquent interpretation of Porte Crayon will prove fruitful.

I might say in conclusion that I have advocated for many years the inclusion of Porte Crayon stories in the curriculum of English for West Virginia schools. Of the numerous superintendents of schools, and principals, I do not remember one who even had heard the name of this native-born writer. I hope West Virginia educators, and for that matter those throughout the south will get acquainted with this book. In fact any American interested in the preservation of our diversified literary traditions should welcome this book in his permanent collection.

FELIX G. ROBINSON

Oakland, Md.

Whipt'em Everytime: The Diary of Bartlett Yancey Malone. Edited by WILLIAM WHATLEY PIERSON, JR. Jackson, Tenn.: McCowat-Mercer Press, 1961. 131, \$3.95.

This reprint of Volume XVI, Number 2, of "The James Sprunt Historical Publications" of the University of North Carolina, originally published in 1919, will be welcomed by Marylanders since almost a third of the diary deals with prison life at Point Lookout.

Bartlett Y. Malone, as his diary records it, was "bornd and raised in North Carolina Caswell County in the year of our Lord 1838. And was Graduated in the corn field and tobacco patch. And in-listed in the war June the 18th 1861." While much of the diary records the simple observations of a plain soldier and man of the soil, the quaintness of expression and quiet good humor through-

out reveal a great deal about a type of man who is rapidly vanishing from the American scene.

Captured early in November, 1863, Malone spent the next year and a quarter at Point Lookout prison, Maryland. His comments on the Negro guards, some of whom were members of a Maryland Negro regiment, the periodic inspections of the prison camp, and conditions of camp life are of particular interest. Incidentally, his account of the shooting of a guard by another guard is portrayed graphically at the Maryland Historical Society in the Omenhausser sketchbook. Not the least interesting aspect of Malone's delightful diary is his phonetic spelling which clearly points out his Southern accent.

C. A. P. H.

BOOKS RECEIVED

- American Suffrage from Property to Democracy 1760-1860.* By Chilton Williamson. Princeton: Princeton University Press, 1960. xi, 306. \$6.
- More Traditional Ballads of Virginia.* Edited by Arthur Kyle Davis, Jr. Chapel Hill: University of North Carolina Press, 1960. xxvii, 371. \$7.50.
- The Confederacy.* By Charles P. Roland. Chicago: University of Chicago Press, 1960. xiii, 218. \$3.95.
- Emotion at High Tide: Abolition as a Controversial Factor 1830-1845.* By Henry H. Simms. Baltimore: Moore & Company, 1960. 243. \$5.
- The Real Abraham Lincoln.* By Reinhard H. Luthin. Introduction by Allan Nevins. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1961. xxviii, 778. \$10.
- Parishes of the Diocese of Maryland.* By Rev. Nelson Waite Rightmyer. Reisterstown, Maryland: Educational Research Associates, 1960. 47 pp. Maps. \$3.
- Confederate Strategy from Shiloh to Vicksburg.* By Archer Jones. Baton Rouge: Louisiana State University Press, 1961. xxi, 358. \$5.
- Robert Livingston 1654-1728 and the Politics of Colonial New York.* By Lawrence H. Leder. Chapel Hill: University of North Carolina Press, 1961. (Published for The Institute of Early American History and Culture at Williamsburg.) xii, 306. \$6.

NOTES AND QUERIES

House and Garden Pilgrimage—The annual visitation to historic sites, private houses and gardens of Maryland, sponsored by the Federated Garden Clubs of Maryland, the Society for the Preservation of Maryland Antiquities, the National Society of Colonial Dames of Maryland, the Baltimore Museum of Art, and the Maryland Historical Society, will begin on April 29 with a tour of Charles County. The Pilgrimage will continue through May 14, and will be followed by three cruises out of Baltimore on May 20, May 27 and May 28. The full program may be obtained from Pilgrimage Headquarters, Room 223, Sheraton-Belvedere Hotel, Baltimore 2, Md.

Correction—In the December 1960 issue of the *Magazine* the name of the publisher of *The Piscataway Indians of Southern Maryland* was given incorrectly. The publisher is the Alice Ferguson Foundation, and all orders for this work should be addressed to that Foundation at Accokeek, Maryland.

Fairall—I would like to exchange information with descendants of John Fairall of Devonshire, England, who came to Prince George's Co., Md., and is reported to have served as Matross from November 22, 1777 to February 5, 1781, Capt. Wm. Brown's Company, 1st Artillery, Reg. Continental Troops, commanded by Col. Charles Harrison by order of Gen. George Washington.

MARIAN S. FAIRALL

4238 No. College, Fresno 4, Calif.

Mrs. Henry Hollyday—The following appears on page 63 of *Genealogical Notes of the Chamberlaine Family of Maryland (Eastern Shore)* . . . Compiled from Records and Manuscripts Found among the Papers of the Late John Bozman Kerr. Printed by John B. Piet, 1880:

"A portrait of Mrs. Hollyday hung in the little parlor at 'Bonfield' until 1874 when it was removed with the Chamberlaine pictures to Easton."

The undersigned will greatly appreciate information as to the present location of this portrait with permission to have it photographed.

WALTER D. SHARP, Captain (SC) USN (Ret.)
197 Hanover St., Annapolis, Md.

CONTRIBUTORS

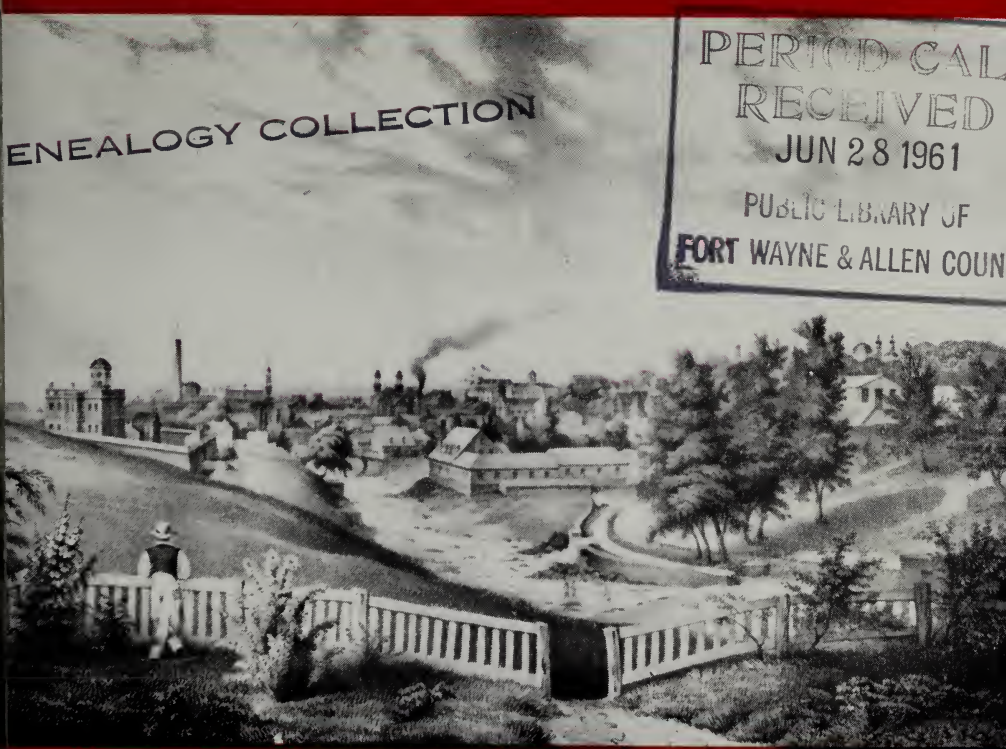
JOSEPH T. DURKIN, S. J. is professor of History at Georgetown University and author of several scholarly works on the Civil War.

CHARLES SCARLETT, JR., LEON POLLAND, JOHN SCHNEID and DONALD STEWART are members of the committee for the restoration of the *Constellation*. The article "Yankee Race Horse . . ." represents many years of careful and untiring research.

CHARLES B. CLARK is professor of History at Upper Iowa University, Fayette, Iowa.

RALPH A. WOOSTER is associate professor of History at Lamar State College of Technology, Beaumont, Texas.

MARYLAND HISTORICAL MAGAZINE



BALTIMORE IN 1837

Looking south from Chase Street along Jones's Falls.

By MOSES SWETT

(See "Notes and Queries")

MARYLAND HISTORICAL SOCIETY

BALTIMORE

June · 1961



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SIR EDMUND PLOWDEN'S ADVICE TO CECILIUS CALVERT, SECOND LORD BALTIMORE: A LETTER OF 1639

Edited by EDWARD C. CARTER, II

BY the late summer of 1639, Charles I's attempt to enforce the Anglican Service in Presbyterian Scotland had ended in humiliation for the English monarch. The ten years of non-parliamentary rule, financed by forced loans and ship-money, were drawing to a close.¹ Charles unhappily realized that without the support of the English gentry and the taxes voted by Parliament his government was but a wisp of smoke, and that he could not maintain the law much less discipline the stiff-

¹ The freemen of Maryland observed the ten year hiatus of Parliament, and passed in 1639 legislation which provided for the calling of the Assembly at least once every three years. Matthew P. Andrews, *The History of Maryland* (Garden City, 1929), p. 70.

necked Calvinists to the north. Hence Parliament was recalled in 1640, but that body, before it would vote the needed supply, demanded that Charles guarantee that his unconstitutional excesses would not be repeated, and that he would put aside his unfriendly attitude towards such Protestant nations as Scotland and the Netherlands. This attack upon his prerogative the Stuart king would not admit, and in the end, Parliament's attempt to so limit Charles produced the English Civil War.

The crisis engulfing the King also threatened his loyal subject Cecilius Calvert, Lord Baltimore. The Scottish fiasco was denounced by the Puritans as a step in Archbishop Laud's program for reuniting Canterbury and Rome. There was a demand for the strict enforcement of the recusancy laws² which would have thrown the affairs of the Catholic Lord Baltimore once again into confusion. Only during the previous year, had his long-standing conflict with Captain William Claiborne over Kent Island been brought to a happy issue with the confirmation of Baltimore's title to the place by the Lords Commissioners of Plantations.³ Thus faced with a rising tide of religious prejudice, burdened with the management of his lands in England, Ireland, and Maryland, Cecilius Calvert received, in September of 1639, a letter from Sir Edmund Plowden disclosing new threats to the Palatinate of Maryland.⁴

The author of this communication was a member of one of the most prominent Catholic families in England. Plowden had been an acquaintance of Cecilius's father, George Calvert, the First Lord Baltimore, and perhaps the example of that august gentleman led Sir Edmund to petition Charles I early in 1632 for a grant of land to be held as a county palatine "within the bounds of Virginia" near the thirty-ninth parallel.⁵ The charter was formally issued on June 21, 1634, under the Great Seal of Ireland and enrolled in Dublin; it created Plow-

² This was legislation that penalized those who failed to conform to the Church of England.

³ Charles M. Andrews, *The Colonial Period of American History* (4 vols.; New Haven, 1936), II, 306.

⁴ I am greatly indebted to Mr. Clifford Lewis 3rd of Media, Pa., for drawing this document to my attention, and further for his scholarly transcription of the letter, which appears below, that he made in the course of his research on Plowden's New Albion some twenty years ago.

⁵ *Calendar State Papers, Colonial (1574-1660)*, p. 154 (60).

den Earl Palatine of the Province of New Albion.⁶ With that honor, Plowden received all the regal powers of government which had passed to Lord Baltimore under his charter. The limits of New Albion were also spelled out in the instrument, and modern studies indicate that the boundaries of Maryland and New Albion were not contiguous but overlapped. This interpretation locates the north east corner of Sir Edmund's holding at Newark Bay; the boundary runs south to Sandy Hook, and then follows the New Jersey shore to Cape May. The southern line travels west through Kent Island to Washington. From that point, the western boundary extends north for a distance of one hundred and twenty miles before executing a ninety degree turn to the east and returns to Newark Bay. The reason for this double grant of territory may have been to encourage rapid settlement on the Delaware as a bulwark against the New Amsterdam Dutch.⁷ Therefore, Lord Baltimore and Sir Edmund Plowden, both English Catholics, shared a mutual interest in lands west of the Delaware between the thirty-ninth and fortieth parallels.

In his letter, Plowden touches on many salient political, social, and economic problems that plagued early Virginia and Maryland. He commenced his recital by informing Lord Baltimore that four men had applied to him for land in New Albion. Two of these, William Claiborne and Samuel Matthews, were ancient foes of the Calvert family. Both aided in driving George Calvert from Virginia in 1629 when he failed to take the Oath of Supremacy because of his faith;⁸ both vigorously lobbied against the issuance of the Maryland Charter in 1632.⁹ Claiborne engaged in open warfare with Maryland in his at-

⁶ The enrolled copy was destroyed in the Four Courts Fire in 1921, but a certified copy of the charter was made in 1880, and reprinted in the *Pennsylvania Magazine of History and Biography* (PMBH), VII (1883), 55-66.

⁷ For a full discussion of the charter powers and the boundary thesis see Edward C. Carter and Clifford Lewis, "Sir Edmund Plowden and the New Albion Charter, 1632-1785," *PMHB*, LXXXIII (No. 2, April, 1959).

⁸ The Elizabethan Act of Supremacy, 1559, demanded an oath of all office holders and those persons leaving England that recognized the sovereign as "Supreme Governor of this realm . . . as well in all spiritual or ecclesiastical things or causes as temporal." Catholics were naturally unable to subscribe to the second part of the oath, so it was tendered Lord Baltimore to discredit him, and prevent his settling in Virginia. Thomas Scharf, *The History of Maryland* (3 vols.; Baltimore, 1879), I, p. 47.

⁹ John H. Latane, *The Early Relations Between Maryland and Virginia* (Baltimore, 1895), p. 9.

tempt to preserve his hold on Kent Island. The other two men were officials of the Bermuda Company who, growing weary of Plowden's procrastinations, petitioned the Crown for a grant of land between the Potomac and Rappahannock Rivers. Fearful of their success at Court, Sir Edmund had objected to the project on two counts: first that this corporation sought rights traditionally assigned to county palatines,¹⁰ second that it would encroach upon Lord Baltimore's rightful domain.¹¹ Having enumerated the potential threats to Maryland's well being raised by such an undertaking, Sir Edmund begged Lord Baltimore to use all his powerful influence to diminish both the boundaries and powers of the proposed charter. Then Plowden concluded by assuring his friend of his continued sympathy, and predicted he would soon venture to New Albion where he could render Lord Baltimore active support in times of danger.

By nature, Sir Edmund Plowden was not the sort of man who acted solely in the interest of others. One can only speculate as to the motive that lay behind the writing of this letter. Since 1634, he had been held in England by lawsuits and his wife's reluctance to finance the New Albion expedition. Perhaps, he feared that his charter would lapse, and that others would displace him. Thus by cautioning Cecilius Calvert, Plowden hoped to enlist his aid and that of his powerful friends at some future date in defending or even settling New Albion. That Sir Edmund was not above working both sides of the street was demonstrated in 1641, when his first colonizing prospectus

¹⁰ Both Lord Baltimore and Plowden received their palatinates with all the rights and privileges enjoyed by "any Bishop of Durham." This clause was the basis of almost unlimited power. The Bishop of Durham in the fourteenth century held his fief in northern England as a military bulwark against the Scots, and was the ruler of a semi-independent kingdom. Lord Baltimore purposely had the "any Bishop of Durham" clause included because it allowed him the right of subinfeudation, of appointing members of the three branches of government, and of making the laws with the consent of the freemen. The Proprietor could also levy taxes and collect customs at the borders of his palatinate; he had the right of treasure trove and could take the Royal fish, the whale and the sturgeon. For a full study of the palatinate and the Bishop's powers, see Thomas G. Lapsley, *The County Palatine of Durham* (New York, 1900), Chap. VIII.

¹¹ In the Maryland Charter of 1632, the southern boundary followed the south bank of the Potomac River and then traversed the Bay to Watkins Point on the Eastern Shore.

appeared over the signature of Captain William Claiborne, the very man his letter of 1639 denounced.¹²

There is much in the letter to interest the historian and the enlightened lay reader. One can not escape the attitudes towards the social and political structure of seventeenth century England that Sir Edmund's words reveal. Like so many of the gentry, he regarded that symbol of capitalism, the corporation, with fearful scorn as an instrument of the "democraticall" faction. New Albion and Maryland were county palatines "fit for men of honor and in a Monarchicall government" where feudal privilege could recoup lost fortune and check the tide of the future. Most important, this letter illustrates the continuous struggle that Cecilius Calvert carried on to maintain his sovereignty over the Palatinate of Maryland. Never in those early years could he rest in the defense of his charter rights and the civil and religious tranquillity of his province. Only a man of high purpose and great ingenuity could have sustained his cause so well.

Although Charles M. Andrews referred to his document in the second volume of his *The Colonial Period of American History*, it has never appeared in print before. The letter is part of a collection that was presented to the Maryland Department of the Enoch Pratt Free Library in 1943 by Dr. Hugh H. Young of Baltimore, and that institution has graciously consented to its publication. It is here transcribed as Sir Edmund Plowden wrote it, save that abbreviations have been expanded and some punctuation has been added for the sake of clarity.

My good Lord,

The deputy Governor of Bermudas Mr. Withers and Mr. Gardner a merchant one of the Asistants have been this two monthes sutors to mee for land and to transport into my Province five hundred from the Bermudas which is overpeopled. And Captayne Mathews¹³ of Virginia also to have ten thousand acres and is to transport thence Cattell and one hundred men, Capt. Cleybourne¹⁴ hath been very

¹² The only known copy is in the Henry E. Huntington Library.

¹³ Samuel Matthews (1600-1660) was a member of the Virginia Assembly both under the Stuarts and the Commonwealth. He served on the Council, and from 1652 to 1657 he was in England as an agent of Virginia attempting to recover Maryland. Matthews was the last Governor of Virginia under the Commonwealth, 1658 to 1660. *DAB*, XII, 405-406.

¹⁴ William Claiborne (1587-1677) was a member of the Council of Virginia

earnest to have the like ten thousand acres and to transport one hundred men of his partners¹⁵ and to sit down in the very triangular point of New England Maryland and New Albion neere forty degrees,¹⁶ and have beene very earnest to have had a copy of my Patent finding some defect in your Lordships.¹⁷ I havinge hitherto delayed them I find the Bermudasmen have moved his majesty by my Lord Dorset,¹⁸ and hath graunted theyr sute to have a Graunt but as a Corporation of themselves distinct from Virginia and of all that River of Rapahannock with Cinquack and Pawtomeck Land and River on the South or Kings side and with all such Privileges and Regalities as the Patent of Florida to Sir Robbert Heath, Maryland and mine of New Albion hath.¹⁹ But with this Proviso it is graunted that if Maryland and New Albion Patents bee recalled and resumed then theyrs also must cease. I conceive that the Bermuda men Capt. Mathews Capt. Cleybourne and his friends and manny other discontents of Virginia joyne together in this new grant and doe intend to sit down in Patowemeck at least fifteen hundred men together speedily. I have urged that our Provinces are Principalities and County Palatines Exempt with all Regalities fit for men of Honor and in a Monarchicall Government not fit for a meane Corporation. And have urged that the River Pawtomeck and the shore on the South side is your Lordships and that they cannot touch your land nor trade or sayle that river but to wrong your Lordship. That your Lordship as Ireland Payeth

and Surveyor of the colony. Charles I appointed him Treasurer of the colony for life after he lost Kent Island. He was Secretary of State under Charles and Cromwell, and was active in the Parliamentary expeditions against Maryland. From 1652 to 1657, he was a member of the Governing Commission of Maryland. *DAB*, IV, 114-115.

¹⁵ These partners may have been the members of Clobery and Company who were associated with Claiborne in the Kent Island venture, but this seems unlikely as both parties were on very poor terms by 1639.

¹⁶ This location would appear to be near the site of present day Philadelphia at the Juncture of the Delaware and Schuylkill Rivers.

¹⁷ The defect in the Maryland Charter may well have been the double grant of territory that has been mentioned above.

¹⁸ Sir Edward Sackville, 4th Earl of Dorset (1591-1652), once served as Governor of the Bermuda Company, was the Lord Chamberlain, and a member of the Privy Council in 1639. *DNB*, XVII, 578-591.

¹⁹ On July 28, 1639, the Commissioners of Plantations received a petition from the Governor and Company of the Somers Islands (Bermuda Company) stating that twenty eight years of overcrowding had made it necessary for five hundred of their number to remove elsewhere. The petition notes that formerly the Company had entered into an agreement with the defunct Virginia Company to acquire lands between the Potomac and Rappahannock Rivers. The petitioners pray the Crown will see fit to grant that land free from the jurisdiction of Virginia. A sub-committee reported favorably on this request on August 10, 1639, no further action is noted. *Calendar of State Papers, Colonial (1574-1660)*, p. 301.

costumes,²⁰ may Search command and impose Costumes on all entringe that river. And by theyr cominge your Lordship shall loose the trade of two thousand Indians of that river worth three thousand pounds at least and by theyr faction and great power may have the Indians animated towards and suprise yours unfortified²¹ and the difference of relligion will breed jelousy²² and the bounds, wars. And that if theyr graunted land bee more healthy than Virginia and have more liberties and Regularities, this will draw Virginiamen to run thither and Servants to run from theyr masters. And so both Virginia men and your Lordship have just cause to oppose this graunt, and the daunger of so bad neighbors, wishinge them that they will goe on then to leave out our Palatine Regalities, and to sit downe in Rapahannock. And to delay them from proceedinge which they cannot without copy of my Patent as yet it being not heere inrolled,²³ I do beate and intertayne them, Untill I heare your Lordships answer and resolution whether both your Selfe by your great friends and stirrings up any of the Virginians will oppose them and by some reference Get a restraint of bounds and Regalities of this graunt before it passe the Seale. And seinge I intend in person to transport twice as many men as are in Maryland next first spring²⁴ and since there is beeteene Cheseapeake bay and Delaware a strait passage all but five miles only of a neck of land, so as wee may meet and helpe each other in twelve houres, and since I am confident your Lordship of the two wilbee best neighbor, which joined with the Respects and friendship I still professed to your noble Father and Father in Law²⁵ and your Lordship as my brother Palatine, [I] desire all love and good neigh-

²⁰ Maryland and New Albion, as Ireland, stood outside the English fiscal system, and all goods entering the motherland from these lands had customs levied upon them.

²¹ Scharf implied that Claiborne incited the Indians to attack the Marylanders soon after their arrival in 1634, Scharf, *op. cit.*, p. 106. Later studies show that he was cleared of these charges by a mixed commission composed of men from both colonies. Latane, *op. cit.*, pp. 15-16.

²² This statement refers to the fact that there was a growing Puritan party in both Bermuda and Virginia, and doubtless that faction would not have approved of Lord Baltimore's toleration of both the Anglican and Catholic faiths.

²³ Plowden attempted unsuccessfully in 1634 to have the charter confirmed under the Great Seal of England and enrolled at the Chancery in London. Bankes MSS. 8 Fol. 15, Bodleian Library.

²⁴ Sir Edmund did not leave England until 1642 as the Civil War began, and by then the Swedes had settled on the Delaware. The following year Plowden made his only recorded attempt to take possession of New Albion; he sailed from Virginia with sixteen followers. These men mutinied and cast the Earl ashore on an island off Cape Charles. He was rescued and returned to Virginia where he remained until 1648. That year he recrossed the Atlantic to England where he died in 1659.

²⁵ Thomas Howard, First Earl of Arundell of Wardour and Surrey.

bourhood and give your Lordship notice, that since your brother Proprietary²⁶ and his family is out of London towards Wales you may in person or by him with all speed take present course, and tending my best Respects to your Lordship and your honorable Lady, I rest

From Mr. Seaves a
Surgeon in Milford Lane
London this 30th August
1639

Your Lordships friend

Edmund Plowden

[Noted on the reverse of the second page of the letter:]

To the Right honorable his
much honoured friend Cecil
Lord Baltimore present these.

30 August 1639
Sir Edmund Ployden
to me

²⁶ Sir Edmund Plowden is here referring to himself.

THE JAMES J. ARCHER LETTERS:

A MARYLANDER IN THE CIVIL WAR, PART I

(Continued from March, 1961, p. 93)

Edited by C. A. PORTER HOPKINS

Lt. Col. R. H Archer
55th Virginia Regt
C. S. A.

H^d Qrs Texas Brigade
near Dumfries Va.
8th January 1862

My dear brother

I send you a letter which I opened thinking it might possibly be intended for me.

I read it and answered it — In Genl Wigfalls absence since 24th Dec. I have been in command of the brigade — Don't like temporary command, doing routine duty, away from my regt., with almost the certainty of going back to it when a fight comes on, and finding my own regiment fallen away from the state of discipline, which I had slowly but carefully brought about — so slowly and gradually & imperceptably that they Knew nothing about it — I am on the best possible terms with all my people here & have become warmly attached to Texas & Texans. Indeed my dear brother I cannot see that I have any other home than my regiment — Our Mother & Kindred are in a foreign land

Our Maryland is throttled Every day I see her across the Potomac — the armed heel of the disgusting despot trampling upon her bosom — And I can see no chance to relieve her or avenge her — I ought not to dwell on this subject, or to direct your thoughts into a channel, which, I use all manner of occupation to divert my own from.

With best regards to Mallory & Pickett

Yrs affectionately

J J Archer

Why, the devil, don't you write to me

Hd Qrs Texas Brigade
Near Dumfries Va
23^d January 1862

Lt. Col. R. H. Archer
55th Regt. Va. Vols.
Tappahannock
Va.

My dear Bob.

I send you a letter from Cousin Kate Van Bibber — Have not had a letter from home since the one I sent you long ago — Have got all the regiments of the Brigade into winter cabins — Wigfall will resign 22nd February to take his seat in C. S. Senate — Ben Mc Cullough¹³ will possibly be transferred to command of this Brigade — I understand he wants it.

Wigfall I am satisfied will recommend the appointment of Col Hood¹⁴ of 4th Tex. Regt. for Brigadier — That will change our relative positions & send me back to my regiment under his command — With love to Pickett & Mallory

Yours affectionately

J J Archer

The officers of my regiment all say they want to Keep me for their Colonel — but think I would make the best Brigadier — and so it is with the officers of Hoods regt. —

23^d Jan 1862

I received your letter dated 11th inst. after writing & sealing my note — Gen^l Wigfall came up yesterday to attend the funeral of his brother in law Dr Cross — He returned to Richmond to day — I am still in command of the Brigade & besides have to attend to many things in my own regt. — Dont Know when I can get off — But will avail myself of the first opportunity — Had we not better meet at

¹³ Ben McCulloch, Indian fighter, Mexican War hero, "forty-niner," United States Marshal in east Texas, and brigadier general in the Confederate army serving in the west, was killed at the battle of Elkhorn Tavern (Pea Ridge) on March 7, 1862, *ibid.* 200-1.

¹⁴ John Bell Hood, a native of Kentucky, and a graduate of West Point in the class of 1853, resigned his commission as first lieutenant in the regular army on April 17, 1861. His rise in rank in the Confederate army was amazing, inasmuch as he was promoted to full general with temporary rank on July 18, 1864, about the same time that Archer was returning from prison camp, *ibid.* 142-3.

Fredericksburg — I can get there any day that I leave here starting from here by 10 O'clock and arriving in Fredericksburg by 4½ O'clock P. M. — can we communicate by telegraph there is a Telegraph office here

J. J. A.

P. S. Direct your letters as follows
Dumfries

Via Brook's Station and Army courier

H^d Qrs. Tex. Brigade
Camp Neabsco near Dumfries
31st January 1862

My dear brother

Yesterday I received your letter dated Jan. 26th — There is so much uncertainty & delay in the transmission of letters by mail, that I am afraid we cannot meet by appointment in Fredericksburg, on any such short leave as I might be able to get — and as for Richmond, I could not go there at present without subjecting myself to the suspicion of going to electioneer for promotion — I will try to get a leave which will enable me to go to Urbana, or at least to Tappahannock — I would like to see Pickett and Mallory as well as yourself — I will endeavor to apprise you of my coming — In the mean time do not go away from there without hearing from me — write me when you get this immediately — tell me how long it will take you to go to Tappahannock — how long to Fredericksburg — and how long it will take me, going from here to Fredericksburg in one day, to reach either, and each of the above named places — but I may start before I get an answer to this — From all I can learn the Virginia Field officers will not be elected — They will either retain their present organization or else be appointed by the governor — In the first case, you will be all right — and in the second I presume there will be no difficulty, especially if Pickett and Mallory recommend it, about your re-appointment — But even supposing that these officers become elective — why resign?

Serve on — your resignation in the first place will not be accepted, & in the second will subject you to imputation — Serve out your time, and then, if you *will*, decline being a candidate — your record will then be clear — But I would advise you to be a candidate — you will perhaps be elected — if you are not, you will find most of the best officers of the army in the same category with yourself — I think the election of the officers will be most disastrous to the

efficiency of our army, and the change, of officers occasioned by it, will be for the worse — This is the general sentiment in this part of the army, and even our Volunteers from civil life would regard the defeat, in a re-election of a field officer, as a compliment to his former military character — I have another reason for desiring you to hold on — It is just possible, but not probable, that I may be appointed a Brigadier — My aid de Camp *must* come from amongst the *commissioned* officers, and if you were still in commission, but certainly not otherwise, I might be able, tho. I am not sure about it, to appoint you aid de camp. Do not say a word more about resigning, or even about not being a candidate for reelection or appointment

I have reason to believe that you are much liked by the officers of your command, and that they have confidence in you as an officer — I believe that you are competent for your position Ability to drill is a good and important thing — but there are others and higher and more important qualities, which I think you possess, and if you can get your command drilled by others, you can probably govern and direct your command with far greater ability than many consummate drill masters — Endeavor by the strict & faithful discharge of your duties, and by all other proper and, I need not say honorable means to maintain your dignity and the confidence of your command — Keep up, by all means, confidence in yourself — do not allow yourself to think this man is your superior because he Knows a little more drill, and that man because he excels you in this or that one particular thing — Ask yourself the question candidly — Can that man who excels me in this one thing or other — can he govern these men in camp better than I? can he take better care of them? can he point out to them, better than I can, when, or where to fight, at what point to make an attack or how to do it? Has he more justice and impartiality in his administration of the affairs of a command than I have? will the men follow him into battle with more alacrity than they will follow me? that is the way to look at the question — Ashby Knows no drill, and Gen^l Jackson did not — but they both possessed high military qualities — Do not understand me as depreciating drill — soldiers to be efficient must be drilled by somebody — but the ability to do the drilling is not indispensable to a leader.

Whatever determination you come to you must not in the future you must not and cannot quit your position until your regiment is mustered out of service

I remain my dearest brother

Ever affectionately

J J Archer

Fredericksburg Va

8th Feb 1862

My dear Mary

I came down here yesterday to meet Bob — I had telegraphed him to meet me here but as he has not come or answered my telegram I conclude he was absent from Urbanna when it arrived — He was quite well when I last heard from him — about ten days ago

I go back to day to my station near Dumfries — When you write send your letter in another addressed to Penn & Mitchell ¹⁵ Pratt St. Baltimore

I have just seen another of Gov Grason's sons who arrived here last night from the Eastern shore of Md. — You can tell his friends that he is well — I found George Lemmon ¹⁶ here looking better than I ever saw him. Gen^l Wigfall is still absent in Richmond & I of course remain in command of the Brigade until his return

You may have seen a false report that a scouting party of ten of our Texans were surprised in a house one night lately & that 9 were Killed & 1 made prisoner — The truth is there were only eight Texans who drove off the Yanky force of eight men Killed three & wounded several more — only one of the Texans was hurt and he slightly —

With love to our dear Mother and all the rest

I am ever afftly

J J Archer

Fredericksburg Va

8th Feb. 1862

My dear Bob

I have been greatly disappointed at not meeting you here — I supposed that of course after you telegraphed me from West Point you would have sent to the telegraph office for an answer — I tele-

¹⁵ Alexander Penn of 49 St. Paul Street, and Richard H. Mitchell, 36 Franklin Street, were commission merchants with offices at 53 West Pratt Street, Baltimore: Woods, *Balto. City Directory*, 1860, p. 273, 300.

¹⁶ George Lemmon, a Baltimorean, was the son of William P. Lemmon, president of the Merchants Shot Works, and Lemmon and Company. One of several brothers in the Confederate service, George Lemmon served on Archer's staff through all the campaigns in 1862 and 1863. Captured at Gettysburg, Lemmon was imprisoned at Johnson's Island with Archer and paroled in the early fall of 1864: Dielman File, Md. Hist. Soc.

graphed 2nd Feb. 2nd for you to meet me here last Wednesday night or Thursday morning — It took me all day riding through bridle paths & bye-ways, to avoid the main road which is nearly impassable, before I got here — I was to have left yesterday but while there was a possibility of your coming I risked staying over one day — I am just going to mount my horse to ride back — If I should come again it will only be on some certain arrangement with you for our meeting — and then I can only come down one day & return the next — I suppose I missed you by only directing the telegram to West Point when I ought also to have added Urbanna — You had better always direct your cousin to enquire at the telegraph office — I hear that Pickett is a Brigadier if it is true I am glad to hear it he will make a good General

George Lemmon is here on his way to Maryland through my camp — I have seen John Stansbury who took me for you

John Grason Ex. Gov. Grason's son arrived yesterday from the Eastern shore

Let me hear from you as soon as possible and tell me what you think of my views as expressed in my last letter to you — By all means & for my sake as well as your own do not resign before the regt. is disbanded — and do not say you will not be a candidate for reelection — if the field officers are to be appointed by the Governor be an applicant for the appt. & let me know at once that I may write to the governor

Yrs truly

J J Archer

Head Qrs. Tex Brigade
near Dumfries Va.

18th Feb 1862

My dear Brother

I don't know how it is that I get no answer to my frequent letters to you — I have been directing them to West Point King William County Virginia—As I may have omitted to put "Urbanna" on them they may possibly be still lying in the post office at West Point.

I also telegraphed to you at West Point and on the faith of my telegram went to Fredericksburg & waited there two days for you to meet me. Let me know how I can communicate with you *surely* both by letter and by telegraph —

I send you a telegram to day just to see whether you will get it or not.

I say to you again that you must not yet resign. You *must* wait to be disbanded.

You can then be a candidate or not as you like — It will subject you, where the circumstances are not known, to imputation to resign — Be a candidate for re-election or appointment — I believe you can be elected —

Do not be too diffident of yourself or think you are inferior to your inferiors because they happen to Know a little more drill than you do — I Know that you are competent for your position rendered so by the possession of higher qualities than those of a mere drill officer — Go on as you have begun —

But by all means do not resign which you cannot do now with any propriety

Yrs affectionately

J J Archer

Hd Qrs 5th Texas Regt

26th March 1862

Fredericksburg

My dear brother

I received your letter to-day and it makes me more than ever regret that I did not Know you were at Ft Lowry when on the 13th inst. I went to Richmond on a leave of seven days

I wrote & telegraphed to Urbanna for you if possible to meet me at Richmond — We had just come here from Dumfries to Fredericksburg when I turned over the command of the Brigade to Gen^l Hood

I was afraid to go to Urbanna lest I might not be able to get back when wanted, but I would have gone to Lowry — I am very sorry to hear that you do not feel equal to your position & scarcely Know what to say to you on the subject — It seems impossible for me to get to you I would like much to talk to you on the subject

As to the position of Aid de Camp — You Know that Hood is the Brigadier — I see no likelihood of my being promoted — Politics & politicians govern these matters now, and Maryland has no delegation in congress — I[f] you should de[c]line an election to your present position — could you get the cavalry troop you spoke of — if not you had better by all means be reelected for the sake of the character it would give you — you could resign afterwards — My dear brother I think I desire your success and happiness more than

my own — I wish to advise you but I do not know how, otherwise than I have done in other letters

I have been much gratified by all I have heard of your great popularity, and I am satisfied that you have the confidence of your regiment

Yrs affectionately

J J Archer

1st April 1862

My dear Nannie

I am told that the legislature of Maryland has passed a law to punish with fine & imprisonment not only those who write to, but all who receive letters from "rebels"

That being the case I suppose the rebels will cease to write to their friends in Maryland (especially to those who have any property to [be] confiscated) and will not expect their friends to write to them — And when they do happen to receive a letter they will not acknowledge its receipt or at least from whom it came

I received a letter a short time since announcing the death of Sylvester Finley — He was at home in Nashville on furlough and was accidentally killed by a pistol which went off in the pocket of a stranger

Bob is well — I saw him about six weeks ago — It would do Mother good to see him — I have not seen [him] look so well for many years — He writes to me often, and always says something affectionate of Mother & the rest of you — I am not far from him — that is not more than forty miles but neither of us can take time to visit the other — You know this is a busy season — I received a letter a day or two ago telling me how Mother and all of you are — I sent it to Bob after reading it lest the one which was written to him at the same time might have miscarried.

Mother of course knows why I do not write to her — Kiss her & all her children for me my dear Nannie — and know that I am always

Affectionately yours

J J Sincoe

H^d Qrs 5th Texas Regt
Near New Kent Ct. House
8th May 1862

My dear brother

I have been anxious for an opportunity of writing to you for some time past but could not find out where to direct the letter—I don't know where you are now, and therefore send to care of Weston.

I hope you have taken my advice and allowed your regiment to do what they wanted to do viz to run you for re-election to your Lt. Colonelcy—By all means if it is not too late hold on to your position—I am sure you can sustain yourself in it—And if I should ever get a brigade I think I can have you assigned to duty with me with your full rank—I think I told you that Whiting¹⁷ offered me the command of a brigade of 3 regiments when I turned over the command of the Tex Brigade to Hood—I declined it on the ground that I would rather command my own regiment which I knew would stand by me than take without rank or staff the command of a brigade of regiments which I knew nothing about & which might fail me in battle—The Texans will always stand by me—

We had a little fight yesterday in which our brigade drove a brigade of the enemy reinforced by another brigade for a mile and a quarter under shelter of their gun boats—I saw Brady to-day he was anxious to hear from you—Kenly whom I met some time ago told me you were sick in Richmond.

Let me hear from you soon affectionately J J Archer
You *must* retain your position—If I *could* I would say you SHALL

J J Archer

H^d Qrs 5th Tex. Regt.
13th May 1862

My dear Bob

I wrote you yesterday that Gen^l Hood wanted you as Volunteer

¹⁷ Brigadier General William Henry Chase Whiting, a graduate of West Point in the class of 1845—An engineer in the old army, he commanded a division in the campaigns around Richmond in 1862. Ordered to Wilmington, North Carolina, General Whiting developed Fort Fisher at the mouth of the Cape Fear River. Except for brief service at Petersburg in the summer of 1864, Whiting served at Fort Fisher until its fall January 15, 1865. Severely wounded and taken prisoner, he died of his wounds in New York in early March, 1865: *Generals In Gray*, p. 335.

Aid — his staff was already full or I Know he would have given you the appointment — He does not take you as a favor to you or me but because he really wants you

— If he had not asked for you I would have sent for you to assist me — My Commissary was Killed by my side the other day acting in the capacity of an aid

George Lemmon arrived last night — Hood wants you none the less that he has him —

If you prefer serving with Pickett and perhaps Pickett would remember you more faithfully in his report of the fight you will find him in Longstreet's Division on the road from Longbridge to Baltimore Store, otherwise called Tallysville

Go to Pickett or come to me at once — If any thing should have happened to me before you arrive (which I have a presentiment will *not* be the case) report to Hood — he expects you

Give my love to Weston & Pickett —

Tell Weston I am sorry the line (Md.) has fallen through — but that I would not care to see it organized under Stewart¹⁸ — I am ready to go into any Maryland organization but would be deeply humiliated to serve under Stewarts command

My regiment is perfectly game — our little fight has strengthened & perfected the confidence which has always existed between us

— The regiment is trying to find a fine horse to present to me but I dont see much chance of their being able to find one until after a victory over McClelland giving us some leisure to look around

Hoods Brigade is in Whiting's Division, G. W. Smiths Corps

Ever affectionately

J J Archer

P. S. I did not ask Hood to take you on his staff but only enquired where Pickett is and mentioned what you wanted with him

H^d Qrs Tenn. Brigade

3^d June 1862

My dear Bob

I have been appointed Brigadier & assigned to the command of the Tenn. Brigade

Come over and be my aid de Camp

Yrs

J J Archer

¹⁸ George H. Steuart, a native of Baltimore, West Point graduate, and regular army cavalry officer, had commanded the 1st Maryland Infantry regiment until promoted in March 1862 to brigadier general, *ibid.*, 290.

Lt Col R H Archer

P. S. Mallory says he intends to nominate you for Lt. Col. in case Counsell does not accept but does not want me to let you know — I let you know because I want you to accept — it will be a higher compliment than at first — I am trying to get for you the Lt. Col. cy of 4th Va. Art. serving as infantry — A good prospect I think — Wickham Leigh ¹⁹ is Major — Get a letter from Pickett & send it at once to the Secretary

Yrs truly

J. J. A.

H^d Qrs 5th Brigade

25th June 1862

Sir

You are directed to send in your morning report immediately — & immediately after sending it you will please send to this H^d Qrs an explanation in writing of your delay

— The commissary can not make his requisition until it is furnished — The provisions for the whole brigade are detained on yr. account

Respectfully

Yr. O^{bt} Servt.

J J Archer
Brig Gen^l

H^d Qrs 5th & 6th Brigades

28th July 1862

Orders

No Capt R H Archer will remain here until tomorrow morning, or next day — He will then proceed by the Central rail road to report to me wherever my head Qrs may then be

J J Archer
Brig Gen^l
Com^{dr}

¹⁹ John Wickham Leigh of Virginia was a Mexican War messmate of J. J. Archer's. See "A Marylander in the Mexican War: Some Letters of J. J. Archer," *loc. cit.*, pp. 416, 417.

H^d Qrs Archer's Brigade
Between Hazel & Hedgeman River
23^d August 1862

My dear brother

Dr Montgomery has not yet reached us but I got a letter from him to day — From his account you are not dangerously sick but are likely to be unfit for duty for a considerable time — I have sent Philip back with my horse which has got snagged — I think he will be well as soon as you are and that it would be best to send me your black and let Shadrick attend to mine — Mine will be utterly ruined if he can not get rest — You can use your judgment about sending me your black horse — but I am sure my horse will be well as soon as you are — I have no horse but my grey fit to ride

Philip will [tell you] that we are well. Dr. Montgomery arrived since I commenced writing

We were detained here all day to-day building a bridge over Hedgeman's river which is the north fork of the Rappahannock and which is not fordable since the rains

Affectionately

J J Archer

If the Black dont come send Philip on the Lemmon horse

J J A

I have not drawn pay either for July or Aug and will before the Battle

Clark County Va
5th Nov 1862

My dear Bob

We are bivouacked about half way from Berryville to the ford at Snickers gap two miles from each The enemy have possession of the Gap & we are holding the ford — Day before yesterday Hill sent me in command of the three smallest brigades to picket the ford — In the afternoon the [enemy] as I suppose thought we had no force there as I kept the troop carefully concealed — they sent down about 1000 men who drew up in line along the shore at the ford — I opened on them with 19th Georgia regiment and two batteries — The enemy soon ran away out of sight and sent back a white flag & a litter corps to carry off their Killed & wounded of whom they had left about 40 on the ground

I sent over a party the next morning & picked up twenty seven rifles

Birkett ²⁰ has got his appointment

Alex. Boteler ²¹ has promised to get a Surgeons commission for Dr. Jones — I have got your watch from Jones

I have a letter somewhere in my Valise for you from Nannie I opened & read it they are all well at home — Miss Van Bibber wants to know if you got some yarn socks sent to you by a Miss Shild of Va a relative of Mrs Jas Archer of Mississippi

George Williams has lost his horse from an overfeed of green corn — the same happened the other day to the ambulance grey

CONFIDENTIAL

Pender ²² has gone home on sick leave — I have no doubt he stopped long enough in Richmond to make some enquiries of his friends as who are likely to be made Maj. Gen^{ls}

Yrs &c &c

J J Archer

I believe you have a poor opinion of the Tennessee troops

The fighting men amongst them are equal & a believe the brigade has as good a fighting reputation as any in the Division — Be careful not to speak disparagingly of them —

²⁰ Birkett D. Fry, another Mexican War comrade of Archer's, had a distinguished career in the Confederate army. *op. cit.* 421. For a brief biography of Fry, see *The Southern Historical Society Papers*, XVIII, 286-288.

²¹ Alexander Robinson Boteler, a Virginian who grew up in Baltimore, graduated in 1835 from Princeton, in the same class as Archer. Elected to the United States House of Representatives from Shepherdstown, Virginia, in 1859, Boteler tried to prevent the impending sectional split, but left Congress on Virginia's secession. Elected to the General Assembly of Virginia, and delegate to the Confederate Provisional Congress, he was also a member of the first Confederate Congress. In addition, he served as a volunteer aide on the staffs of Stonewall Jackson and Jeb Stuart. His career after the war included appointments to the Tariff Commission, and the United States Department of Justice. An author, artist and versatile gentleman of the old school, Boteler died in 1892: *DAB*, II, 467-8.

²² William Dorsey Pender, an 1854 graduate of West Point, served on the Pacific coast before resigning his first lieutenant's commission in March, 1861. Colonel of the 3rd, later 13th, North Carolina Infantry regiment in Whiting's brigade, G. W. Smith's division, he was promoted to brigadier in June 1862. He died of wounds suffered in the Gettysburg campaign, having been promoted to major general only shortly before. *Generals In Gray*, 233.

Near Fredericksburg

15th Dec 1862

I send this open by flag of truce — Oliver Thomas William G
Lemmon Levering & Bob not hurt — Frank Wotten a Volunteer
aid on my staff shot in the head but still alive

Yours &c

J. J. Archer

H^d Qrs Archers Brigade20th Dec 1862

My dear Bob

We had a fight last Saturday in which I lost 250 Killed & 123
prisoners the latter in consequence of a gap having been left between
me & Gen^l Lane ²³ through which the enemy passed & got in rear
of my left regiments

Major Van de Graff Colonel Turney Lt.Col. Graves — & Major
Buchanan are amongst the wounded — Frank Wootten volunteered
on Hill's ²⁴ staff got separated from him & came to me I accepted
him for the fight & he was shot in the head two minutes after and
carried off the field I have not heard from him since — he was
not dead when carried off but I can not find out where he was
taken to — I wrote to Mother Tuesday by flag of truce.

I wish you would get me an over coat made — I must have one
at any price although I dont Know where the money is to come
from — Of course I had to pay Swann's expenses to Richmond &
lend him money when he left me yesterday — Neither he nor George
W. got back in time for the fight Swan could not help it — I am
very much disgusted with George about it — He got got tight both
evenings while in Richmond and I suppose that is the reason he

²³ James Henry Lane, a Virginian, graduate of both V. M. I. and the University of Virginia, entered the Confederate army as major of the 1st North Carolina Volunteers. Later colonel of the 28th North Carolina, he was promoted to brigadier general in November, 1862. Three times wounded during the war, he served throughout in the Army of Northern Virginia and surrendered at Appomattox. Following the war he taught at schools and colleges in various states in the South until his death in 1907. *ibid.*, 172-173.

²⁴ Ambrose Powell Hill, a Virginian, and 1847 graduate of West Point, saw service in Mexico and in the Florida Seminole campaigns. Resigning from the United States Army in March, 1861, he became colonel of the 13th Virginia Infantry. Appointed to brigadier in February 1862, he was promoted to major general May 26, 1862. His division, known as the "Light" Division, performed admirably in all the campaigns of the Army of Northern Virginia until the reorganization of the army in June of 1863: *ibid.*, 134-135.

could not come in time. I wish all the liquor in the universe was poured out & sunk

Yours truly

J J Archer

If you will go to the clothing store on Pearl Street you may be able to get some cloth

George Archer or Maj. Clem. Hill can help you in the matter

If you can get the cloth on reasonable terms from Government I want a vest & pair of trousers made and enough cloth for uniform dress coat which last I will not have made yet

Hd Qrs Archers Brigade

21st Dec 1862

My dear Bob

When I wrote you yesterday I had just got a letter from you which I have since destroyed and which I thought was written within the last 3 days — stating that you are in Richmond &c — under that impression I asked you to do many things for me which of course if you are in Middlesex you need not trouble yourself about

Send me any news you get from home

I wrote to Mother the Monday after the battle. Remember me Kindly to Dr Gatewood

I send you a copy of my report of the battle — I told Gen Hill that there was danger of being flanked and it was Gen^l Hill himself who told me that Gregg²⁵ was close enough to the “interval” to prevent my being flanked. The Maj Gen^l is perfectly aware that no fault is mine in the matter — He attributes it to the deafness of Gregg who was ordered to advance when the heavy musketry commenced, & who probably did not hear, either that, or the orders — at all Events when Lemmon reached him, with my message, his arms were stacked, and the enemy's bullets were rattling amongst his stacks of muskets before the men were ordered to take arms

Yours truly

J J Archer

²⁵ Maxcy Gregg of Charleston, South Carolina, a veteran of the Mexican War, left his law practice soon after the secession of his native state to enter the Confederate Army. Promoted to brigadier general on December 14, 1861, he served in General A. P. Hill's division until the time of his mortal wound at Fredericksburg. *ibid.*, 120-121.

Jan 2nd 1863

My dear Bob

We are near Guinea Station which is our present Depot & post office —

All well here The prospects I think look bright for peace since battle of Fredericksburg & since the democrats at the north have found their tongues — A victory in the West I think would settle the matter

Ever my dear brother truly & affectionately Yrs

J J Archer

(watermark)

12th Reg. Mass. Vols.

Col. Fletcher Webster

Camp Gregg near
Fredericksburg Va.

12th January 1863

My dear Mother

Last fall a year ago was the time fixed and anxiously looked forward to by me for another visit home. — I started earlier than I had expected and have been on the way ever since, traveling by new routes, and encountering many obstacles and difficulties & dangers, but never losing sight of the object of my journey and never, for a moment, doubting that by the blessings of Providence, the prayers of my good Mother & sisters and the Valour of my comrades I would reach the promised land, tho' a million barred the way and every step were over the body of a fallen enemy —

The road has been hard to travel my dear Mother, but it leads to liberty & honor & happiness & home and friends, and now that I have almost reached the end, as I look back the dark rough places seem bright & pleasant, and as I look forward my heart swells with the thought of meeting you again

I believe you were Kept informed of my movements up to the time of and including the three days battle of Manassas — after that I was at the capture of Harpers Ferry at Sharpsburg Sheppards-town and Fredericksburg — I was near missing the battles of Sharpsburg & Fredericksburg — When we started from Harpers Ferry to Sharpsburg I had been sick in bed all the day before, & was too weak & sick to mount my horse, but rode in an ambulance & had to stop on the way and lie down for an hour; but after my brigade had passed and I heard the sound of the battle where Longstreet was engaged, & thought of my troops going in without me I got

well again — mounted my horse & overtook my brigade just before it came up with the enemy

I never felt better or stronger than during the whole time the battle lasted when it was over I found myself completely prostrated, and lay almost in a stupor all the next day — the third day after, I was well again & commanded three brigades in the battle of Sheppardstown. The first of December I went to Richmond sick & was there when the intelligence came down that the enemy was very near crossing the river at Fredericksburg.

I took the first rail road train & joined my brigade a little before day break the morning of the battle — I wrote from the battle field by flag of truce — Suppose you got my letter as Mrs. Lemmon got Georges written at the same time — Frank Wooten whom I mentioned as having been wounded mortally has since died — Wooten had Volunteered his aid on Gen^l Hills Staff in the morning but became separated from him and came to me and asked me to take him on mine which I did of course; — he was shot from his horse in less than a minute after. Bob is in Richmond doing well but not well enough to be in camp yet

Oliver Thomas & George Williams are with me — George Lemmon went to Richmond to-day I expect him back soon — Levering went to Richmond Christmas and has not returned — he was to have come back in a day or two — I understand he has gone to Charleston on some government business — Great as Braggs success at Murfreesboro we are disappointed that it was not greater — I think we have amply shown all sober people at the North that they are engaged in a Vain attempt & I for one look for a speedy peace in the hope of which I am as ever my dear mother

Affectionately yours

J J Archer

It may be a gratification to Woottens friends to Know that he fell most gallantly cheering the troops.

H^d Qrs Brigade
Near Guineas Station
28th January 1863

My dear Bob

I do not think there is any immediate prospect of the crossing of the enemy on account of the condition of the roads from the recent rains I will endeavour to give you notice in time

Yours truly

I want some postage stamps

J J Archer

Brigade H^d Qrs.
near Guineas Station
29th January 1863

My dear Bob

There is snow on the ground this morning inches deep — No likelihood of a fight soon now — So I hope my last letter has not disturbed you in your quarters; you know you have to take the best possible care of yourself to be ready & I will notify you if I can in time — As to your resignation it must not be thought of until I see you — I believe however that Richmond is worse for you than camp would be

I see no reason why you should have left the country place you were in for such a vile hole as Richmond is —

Yours &c &c

J J Archer

If you have no use for your servant I wish you would send him up — Lemmon let William go off on leave last November & I have only Philip & John who have more work than they can do

J J A

Brigade H^d Qrs.
3^d Feb 1863

My dear Brother

I have got my leave of absence but in consequence of orders just received to make out reports, which will occupy me all day tomorrow, will not be able to leave until day after tomorrow (5th inst.) — Major Morgan goes down with me — I will probably, as he proposes, stay with him at some good place where, he says, we can have a comfortable room — I *had* intended crowding in on you or Sutherland for I'll be good god blessed if I ever stay at the Spottswood again

I will go directly up to Sutherlands when I arrive, first to the Tazewell cottage, & if I do not find you & South there, then to his room on ——— street, where I will certainly meet you both

The 19th Georgia has been transferred, much to its dis-satisfaction, to Colquit's brigade, and in its place, I have our friend Birkett D. Fry's 13th Ala. Regt., which has been with me now about two weeks & is delighted with the change — not that they liked Colquett any

less than me, but they are more comfortable here — Fry is not here, but is in Richmond nursing his wounds rec^d at Sharpsburg

I have an aggregate of 1600 present

Yours truly

J J Archer

Col R H Archer

Hd Qrs 5th Texas Regt
Feb 1st 1863

Brig. Gen^l Archer

Dear Gen^l

In closed are Some letters, one written by a Miss Laura Somebody to Jimmie Harris, and Brown has volunteered the task to Answer it.

I doubt if her name is Wynam, but hoping if you Send it to your friends the disconsolate “Laura May receive it.

We are in the mud & certain the Blockade is effectual — I will come to see you in a few days —

Truly your friend

R M Powell

P. S. Miss Laura

is a resident of Baltimore & while Jimmie was in captivity their mutual affection was conceived —

R. M. P.

Feb 14th 1863

My dear Nannie

Mr. Harris is the same You wrote to me that a young lady with her mother called to ask you to write to them about — He belonged to my old Texas regiment — & was a brave sprightly handsome boy — he was Killed at Manassas last August, carrying the flag of his regiment — I hope Mr. Brown's remarkable letter may reach its destination — I wrote you long ago that Harris had been Killed — I have not been in com^d of Texas troops since 2nd June — My command is now composed of Tennessee and Alabama troops

Yrs affectionately J J Archer

17th Feb 1863 — I returned last Friday from an eight days visit to Richmond Bob came & stayed with me all the time I was there — He is not well enough for field duty but able to be about, Thomas,

G.A.W. & G.L. are well — Dr. Montgomery is with me he is well

While in Richmond I dined one day at Mrs. Harrison's (of Brandon, Mrs. Jno Gittings sister) Mrs Cross & Mrs Virginia Ritchie are with her in Richmond, in fact the whole family are there, Brandon being exposed to Yankee raids — I met Dr. Robinson of Balto there one evening & asked him to call & see you, as Bob had done before, — John Archer was looking remarkably well — On the 1st of last June Colonel Powell the writer of the foregoing note, was the 4th Captain in my old regiment and has gone up by regular promotion by seniority to the Colonelcy — There was no such regiment in the service as the 5th Texas & I had strong doubts about leaving it to take promotion elsewhere — Fry who was a 1st Lt. of our old Voltigeur regt. & afterwards a Brig. Gen^l under Walker in Nicaragua is now one of my Colonels in command of 13th Ala. Regt. — He was badly wounded at 7 Pines & Sharpsburg — but is expected back for duty in about two weeks

H^d Qrs Archers Brigade
A. P. Hill's Division
near Guineas Station

15th February 1863

My dear brother

I send you enclosed an extension of your leave, and the questions proposed by the Ordnance Examining Board of which Major or Lt. Col. or Captain Brown (late school master) was the chief examiner, the latter of which I wish you to give to Gen^l Wigfall

I would like you to say to him that a difficulty may be raised on account of Pender's seniority, & to let him know that on the same day I was appointed to the *full* rank of Brigadier Pender was appointed to the "*temporary*" rank of Brigadier from which it appears to me conclusive that it was intended I should rank him — He was however afterwards, & after an interview by him with the President, about the 2nd July, appointed to the *full* rank of a Brigadier to date from 3^d June the date of both our original appointments — and as his *Colonelcy* was older than mine he became the ranking officer by virtue of former commission — although I was a *brevet* Major in 1847 before he had entered the Army.

I mention this matter of Pender's only because his medical director Dr. Holt told me last Thursday in Richmond that the reason of his (Holt's) remaining in Richmond was that he was electioneering for Pender's promotion and had succeeded in getting the North Carolina delegation interested in the case

I forgot to say that my rank as captain when I resigned was about six years old while he was only a 1st Lt.

I will write you again shortly

Ever affectionately

Yours

J J Archer

I write for you — I think you had better state the matter I have written to the Gen^l verbally but do as you think best about it

Brigade Hd Qrs

21st Feb 1863

My dear Bob

I have sent to Mr Cross Major Vicks order on the Qr. Mr. at Richmond for cloth — I do not care to have it made up at present

There are 4 yds for you, Oliver & George W.-Lemmon's share is for George Williams — Why don't you write — send me one of the photographs — Got a letter from home. Suppose you sent it to me from Richmond & read it, if not I can tell you they were all well — call at Mrs. Weston's & enquire if there are letters there for me

There was a sash sent from home directed to George Archer — Can you learn anything about it

Mallory goes down tomorrow — says he will enquire at Qr. Mr. Gen^l's & tell South where you can find him

Pender also goes down — Hood is I expect in Richmond or will be soon, see him if you can

Remember me to South Ellicott & Selman

Yrs Affty

J J Archer

1 O'clock A.M. A violent snow storm is raging; may it wreck the blockading squadrons, and thwart the plans of the enemy on land and sea — all stuck in the mud & snow here

23^d Feb. 1863 — Snowed hard all day yesterday

Brigade Hd Qrs.

27th Feb 1863

My dear Bob

I am told you are coming up on Sunday — It is the very worst

time for you to come — nothing can be done here for at least 15 days — I advise you to wait a while till the weather is settled and the ground is dryer.

Get a surgeon's certificate & send it to me

Yrs &c

J J Archer

Col R. H. Archer
Care of St. Clair Sutherland
Qr. Mr. Gen's Office
Richmond
Va

Brig. Hd Qrs
7th March 1863

My dear Bob

I will send to Guiney's Station for you next Thursday.

Joe Johnston & all the other horses at Hd Qrs. are lousey — Find out what will cure them & bring it up with you — If you know of nothing better bring up some mercurial ointment

Call at Col Taylor's (the 2nd auditor) and ask him about my horse valuation

I want the money — I drew my February pay while in Richmond & am high & dry now — You have behaved I think very badly in not answering my letters to you which related to matters of importance about which you must have known I was anxious

Had you written to me that you did not attend to the matter I would have applied to Hood or some one else who would at least show enough interest to answer my letters —

Mallory has returned but I have not seen him — Gen Heth has arrived & been assigned to command of Field's brigade — so Mallory's chance there is gone

I only learned to day that Floyd has my sash. I had supposed it was lost — If you should not come up Thursday I beg you will write to me — I think it is as little as you can do to inform me by a short letter of matters which I can't be in Richmond to learn & which you know I want to know

I am glad you have last come to the conclusion that Richmond is not a fit place to stay in — I hear of you from all my officers who return from their leaves of absence

If you do not return Thursday had you not better go into the country — so far from a man getting well in Richmond, it requires a strong constitution to spend a week there — It took me a week to recover the tone of my mind & body

Yrs Affty

J J Archer

12th March 63

My dear Bob

I sent for you today as I wrote you I would — I have had a tent pitched for you with a chimney — As you did not come and as I have not heard from you since you wrote me you wanted me to send I concluded that you must have had a relapse & would want your leave extended — I got a letter today from Lemmon he was on the banks of Potomac 9th inst

Yrs Affectionately

J J Archer

There is no telegraph station nearer than Gen. Lee's H^d Qrs 12 miles from here —

Camp Gregg

Near Fredericksburg, Va.

14th March 1863

My dear Nannie

Your letter of 10th January was received about a month ago, that of 6th Jan and 18th Dec. only a few days since — These are the only letters I have received from home since the battle of Fredericksburg

I have heard however through Geo. Williams that you were all well.

I received a short time ago a very handsome buff sash. I don't know how it came or who brought it — It was sent to Geo A. for me — but I know where it came from —

G. A. W., O. H. T. and Dr. W. T. M—y are with me and all well except Oliver who although for duty is in bad health & I do not think will be able to stand the coming campaign — G. L. is absent on leave — Bob will join me to-morrow — I had a tent prepared for him yesterday with a chimney I have kept a fire up ever since so that it may be dry when he comes —

Many are disappointed that the democratic party of the North have acquiesced in Lincoln's continuance of the War — I am not — I expected it —

I went to Richmond in February and spent a week with Bob — He was much improved in health and by this time ought to be entirely well & strong, but you know how imprudent he is — I still expect to find him perfectly well tomorrow.

I had got quite well when I came up from Richmond to the Fredericksburg battle 12th Dec. and have been well ever since with

the exception of an occasional cold (slight) such as we are always subject to in winter

My health was never better than now.

Do not let any of our people obey the Yankee conscription — they ought to suffer anything rather —

Kiss Mother for me my dear sister

With unfailing love for all at home

I am

Faithfully & affectionately

yours

J. J. Archer

Miss N. H. Archer

Compliments J. S. Lemmon

Brigade H^d Qrs near Fredericksburg

14th June 1863

My dear Nannie

I wrote you about two weeks ago pr. flag of truce but perhaps you did not receive my letter — Bob, George Williams & O. H. Thomas were all with me during the fight at Chancellorsville I need not tell you that they all behaved gallantly for that is a matter of course & what you would know without being told — Gen^l Lee on the field & Lt. Gen^l Hill since, both congratulated me on the performance of my brigade; I don't know what they say in their official reports — Maj. Gen^l Heth ²⁶ who succeeded Hill after the latter was slightly wounded says in his official report that the battery which I took in the beginning of the fight Sunday morning was the Key to the enemy's position and expressed the opinion to me that it decided the day I had some hard fighting however after that — I was on the extreme right of our division — became engaged long before any of the rest, and the battle was half over before I received the least support, or even got a sight of any other of our

²⁶ Henry Heth, of Virginia, was graduated from West Point in 1847. Resigning from the regular army in 1861, he saw service in Western Virginia as Colonel of the 45th Virginia Infantry before being promoted to brigadier in January, 1862. His nomination to major general was held up for over a year, but Heth acted in that capacity until his confirmation February 17, 1864. Wounded at Gettysburg, Heth returned to the army and took part in subsequent campaigns until his parole at Appomattox: *ibid.*, 133.

troops — I lost in killed & wounded more than a fourth of my brigade but I am satisfied did enough harm to the enemy to compensate a much greater loss — Lemmon & Montgomery were at their posts as Ordnance officer & Surgeon — It is the first time that I have kept Lemmon back with the Ordnance wagons he has always before gone with me in the fights

All my staff are with me and well. — Our friend Frank Mallory Col. 55th Va. was Killed — You have doubtless heard the death of Duncan McKim²⁷ killed in same battle — B. D. Fry formerly adjutant of Voltigeurs in Mex. war & more recently Brig. Gen^l under Walker in Nicaragua is now a Colonel Com^d 13th Ala. Regt in my brigade —

Give my best love my dearest Nannie to Mother and all at home (in which last word I include Rock Run Rockland Cedar Hill Shamrock) none of whom I have in the least degree forgotten

²⁷ Major William Duncan McKim, of Maryland, had previously been wounded at the battle of Sharpsburg while serving on General I. R. Trimble's staff. A moving account of McKim's death at Chancellorsville is given by his first cousin, Randolph McKim, in *A Soldier's Recollections* (New York, 1910), pp. 131-132.

A BRITISH OFFICER'S REVOLUTIONARY WAR JOURNAL, 1776-1778

Edited by S. SYDNEY BRADFORD

AMONG the various colonial and Revolutionary journals and orderly books included in the little known Lloyd W. Smith Collection at Morristown National Historical Park, Morristown, New Jersey, is a three by five inch notebook.¹ Convenient to the pocket, this worn volume contains the almost daily entries of Lieutenant Henry Stirke during his service as a light infantry officer with Sir William Howe's army between June, 1776 and April, 1778.² As Stirke fought in every major battle from the easy British victory on Long Island through the barely-won triumph at Germantown, plus innumerable dangerous skirmishes, his comments on those actions constitute an interesting personal record that is a worthy addition to the small number of extant British officers' narratives of the American Revolution.³

Stirke received an ensign's commission in the 10th Regiment of Foot on July 3, 1775, but his journal shows that he did not join his unit until June, 1776.⁴ By that time the regiment had been posted in America for over eight years, having landed in Canada in January, 1768, where it remained as part of that colony's garrison until transferred to troubled Boston in 1774.⁵

¹ The Lloyd W. Smith Collection consists of some 30,000 manuscripts and 20,000 printed works and is especially rich for the American Revolution.

² After Nov. 27, 1777 there are no entries except for "A Journal from Philadelphia to Cork, . . ." Apr. 16-May 29, 1778, which brief account is not herein included.

³ "The number of sources on both sides for the war [the American Revolution] is disproportionate: against the hundreds of American accounts can only be set at the most two dozen by British officers." Eric Robson, *Letters from America, 1773 to 1780* (Manchester, 1951), XXII (hereafter Robson).

⁴ Worthington C. Ford, *British Officers Serving in the American Revolution, 1774-1783* (Brooklyn, 1897), p. 167 (hereafter Ford).

⁵ Albert Lee, *The History of the Tenth Foot* (2 vol.; London, 1911), I, 211 (hereafter Lee); C. T. Atkinson, "British Forces in North America, 1774-1781; Their Distribution and Strength," *Journal of the Society for Army Historical Research*, XVI (Spring, 1937), 5-15 (hereafter Atkinson).

Upon General Thomas Gage's evacuation of the Massachusetts capital, the 10th Regiment sailed to Halifax and there Ensign Stirke joined its light infantry company.⁶ After the reinforcement of the 10th and other units at Halifax, the troops boarded the transports and moved to New York to meet their new commander, Howe, and to begin a new campaign against the rebels.

During the subsequent campaign, in which absolute success always eluded Howe, Stirke and his fellow light infantrymen participated in arduous marching and fighting. In recognition of such service, Stirke was made a lieutenant on November 18, 1776 and he held this rank for the remainder of his American duty.⁷ In the following year, he again experienced fatiguing marches and heavy fighting, and the Battle of Germantown saw his company engaged in an especially desperate action. In April, 1778 Stirke sailed for England, and after the British retreat from Philadelphia in June the new British commander, General Henry Clinton, ordered the battered and depleted 10th Regiment home for "rest" and recruitment.⁸

Neither Stirke nor his regiment returned to America, and few details are known about his subsequent career. He remained in the 10th Regiment until made a captain in the 42nd Independent Company of Foot in July, 1781; after it was disbanded in 1783 his name was placed on the half-pay list until 1796.⁹ Thereafter, he disappears from the records.

The 10th Regiment's light infantry company and its brother light infantry companies were the product of a relatively recent development in the British army. Organized light infantry had appeared in Europe at the Battle of Pavia in 1525, but by 1700 had been converted to heavy infantry.¹⁰ Later in the eighteenth century the Austrians revived the use of light infantry,¹¹ but the British turned to such troops only after General Edward Braddock's startling defeat in 1755. The 60th Royal Americans, a corps of lightly armed soldiers capable of swift movement, became ". . . the first true light infantry the British Standing

⁶ Atkinson, 5-15.

⁷ Ford, 167.

⁸ Atkinson, 5-15; Lee, I, 265; n. 2, *supra*.

⁹ *A List of the Officers of the Army* (London, 1782), p. 187 (hereafter *List*); see also the *Lists* for 1784-1797.

¹⁰ J. F. C. Fuller, *British Light Infantry in the Eighteenth Century* (London, 1925), 19-20 (hereafter Fuller).

¹¹ *Ibid.*, 47-48, 67-68.

Army ever had.”¹² Hard earned lessons are easily forgotten, however, and after Britain’s amazing reversal of fortune and her final defeat of France in America and elsewhere, the light infantry was reduced. It is true that a light infantry company was added to each line battalion in 1770, but slackers and other incompetents drifted into those companies. This situation caused King George to order Sir William Howe to organize a camp at Salisbury and train seven companies of light infantry. Howe, who had fought in America’s forests during the French and Indian War, taught the soldiers tactics he had devised as a result of his American experiences.¹³ Armed with a light musket or fusil and trained to move rapidly, these companies became known as flank companies, as they and the grenadiers were usually posted on the flanks of a regiment.¹⁴

In an army, the light infantry and grenadiers were separated from their regiments and were organized into special battalions to be used for the most dangerous tasks.¹⁵ The light infantry companies of Gage’s army in Boston, for example, including that of the 10th Regiment, formed the force that marched on Lexington and Concord.¹⁶ By June 4, 1776 two light infantry battalions had been formed and the 1st Battalion of Light Infantry comprised the flank companies of the 4th, 5th, 10th, 17th, 22nd, 23rd, 27th, 35th, and 38th Regiments.¹⁷ A third battalion was created when the British who had been repulsed at Charleston joined Howe in August, 1776, but before the Philadelphia campaign the three battalions were reorganized into two, with the 10th Light Infantry Company remaining in the 1st Battalion. Both battalions existed for the duration of the Revolution and surrendered with Cornwallis at Yorktown.¹⁸

Stirke’s journal shows that he and his fellow light infantrymen seldom lacked an opportunity to fight during a campaign. As another light infantry officer said: “We have always some-

¹² *Ibid.*, 97-98.

¹³ *Ibid.*, 112, 124-35. General James Wolf used light infantry in the Quebec campaign and Howe, then a colonel, and twenty-four light infantrymen under his command were the first to land in the attack on that French stronghold (*ibid.*, 94-95).

¹⁴ Edward E. Curtis, *The Organization of the British Army in the American Revolution* (New Haven, 1926), 4-5, 17 (hereafter Curtis).

¹⁵ *Ibid.*

¹⁶ Atkinson, 6; Lee, I, 220-21.

¹⁷ Atkinson, 6-7; *ibid.*, Part II, XIX (Autumn, 1940), 163-66.

¹⁸ *Ibid.*, Part I, 10, 12; Part II, 164-65.

thing to do and something to expect; if *atra cura* is anywhere to be avoided, it is in a Light Infantry Company in America.”¹⁹ Perhaps that is why Stirke's account is always concerned with things of the moment. Unlike several other British officers who kept journals, he never gives general news, descriptions of the land, nor does he question his superiors' actions.²⁰ Yet he presents an intensely interesting account of the war as seen from the level of a junior officer “who bore the heat of the day, and had to suffer from the mismanagement of . . . [his] superiors.”²¹

The journal is printed as written, with these exceptions: a dash or a series of dashes at the end of a sentence has been replaced by a period; and marginal comments in the text have been placed in brackets and italicized and appear immediately after the marks Stirke used to indicate them.

1776 A Journal—from Halifax
June

- 10th At 9 O'Clock, a Signal to unmoore, at 5 O'Clock in the Evening, the Fleet, under the Command of Admiral Shouldham,²² and Gen^l How,²³ consisting of above 200 Sail got under way. We are to be join'd by Lord How,²⁴ and from many Circumstances we have reason to imagine our Destination is New-York.
- 11th Clear weather.
- 12th Foggy, thick weather, 'till 12 O'Clock, then Clear.
- 13th Clear Weather, with a fine fair Breese.
- 14th Wind fair.
- 15th Wind Contrary.
- 16th Wind Unfavourable, at night very high, with heavy rain thunder, and lightening.

¹⁹ Robson, 37.

²⁰ For comparison with Stirke's almost laconic style, see: *Diary of Frederick Mackenzie* (2 vol.; Cambridge, Mass., 1930), I (hereafter *Mackenzie*); *Journals of Lieut.-Col. Stephen Kemble*, New York Historical Society, *Collections* (1883) (hereafter *Kemble*).

²¹ Robson, XXII.

²² Lord Molyneux Shuldham (1717 [?]–1798), the British commander-in-chief on the North American coast. He was supplanted by Lord Howe in June, 1776. *Dictionary of National Biography* (hereafter *DNB*).

²³ Lt.-Gen. William Howe (1729–1814), who had the rank of general in America. *D.N.B.*

²⁴ Richard Howe, Earl Howe (1726–1799), William Howe's elder brother. He was made commander-in-chief in America in Feb., 1776, but did not arrive there until July, 1776. *DNB*.

- 17th Sea very high, with thick foggy weather, heavy Showers, with thunder, and lightening.
- 18th Clear weather, sea quite down, wind Contrary. half past 2 O'Clock, spoke with the Landsdowne, 8 Weeks out from Cork, with recruits for the Army join'd the fleet off Hallifax Letters on board her, for my Wife,²⁵ my Brother,²⁶ and myself.
- 19th Wind fair, with Cloudy weather. Most part of this day lay too.
- 20th Wind fair—sent on board the Lansdown, for my letters. About 2 o'Clock this day a very melancholly accident happen'd; a Portuguese Sailor belonging to the Nautilus merchantman, slip'd between our Transport, and their boat, and was drowned. We lay too all this day; suppos'd to be waiting for the Fleet that is to join us—at 6 O'Clock the fleet Set Sail.
- 21st Wind fair, with fine Clear weather. This day a report prevails in the fleet, that the Ranger Transport, with 4 Companies of the 2^d B: of L^t Infantry, is taken by the Rebels; but, which report, we have reason to think is without foundation, as we were not near the Coast when we parted her, in thick weather.
- 22^d A fair, Light breese—about 9 O'Clock at night, two Sharks appear'd about the Vessel, & continued Close to us, a Considerable time; but wou'd not take the bait we had thrown out for them.
- 23^d A fair, Light Breese. This morning a Sun-Fish appear'd, close along Side the Vessel.
- 24th Wind favourable.
- 25th A dead Calm, and very Sultry—in the Evening a light breese.
- 26th Very Sultry in the morning, at 11 O'Clock a fine Cooling breese. 12 O'Clock we sounded, and found 64 fathom Water. this evening the Cerberus Frigate, and Merlin Sloop of War, join'd the fleet, with small prise.²⁷ They bring an acc^t of L^d Cornwallis's²⁸ arrival at Sandy Hook
- 27th Calme, and light breezes.
- 28th Wind fair. Join'd this day by the Liverpool Frigate, 3 days from New-York; with an acc^t of Gen^l Howe's arrival in

²⁵ Aside from this reference, there is no other indication in the Journal that Stirke's wife accompanied him to America.

²⁶ There was a Captain Julius Stirke in the 10th Regiment, who could have been Henry brother. Ford, 168.

²⁷ An American whaling ship. *Kemble*, 78.

²⁸ Charles Cornwallis, first Marquis and second Earl (1738-1805). *DNB*

the Greyhound at Sandy-Hook; ²⁹ and the Empress of Russia, with the 22^d Regt; She parted from the fleet in thick Weather.

29th This morning at 6 O'Clock we discover'd land, it is the entrance of the River, going up to New-York. A fine light breese. A little after Ten a Signal for Commanding Officers of Corps to report on board the Admiral. At 11 got a Pilot, and came to an Anchor, at half after 2 O'Clock, inside Sandy Hook.³⁰ The Ranger [*Ship report'd to be taken—*] had arriv'd before us. We were inform'd that the friends to Government here, were very numerous, that many of them have been used in a very Cruel manner by the Rebels, and only waited for a favourable Opportunity of joining the Kings Troops.

30th Expected to Land this day.

July

1st Weigh'd Anchor at 5 O'Clock in the evening, and proceeded up the River; came to an Anchor about nine, just below the Narrows; ³¹ to morrow morning at 4 O'Clock we expect to land upon Long Island; under Cover of the Men of War.

2^d We are disappointed in our landing this morning; what 'tis owing too, I can't tell.³² Now 'tis thought we shall proceed up to the Town, before we make a landing; but that is all Conjecture. at half after 9 O'Clock, the fleet got under way; at 20 Minutes after Eleven was oblig'd to come to an Anchor, within the Narrows, as the Wind Shifted.³³ at 4 O'Clock a boat from long Island, with some of the Inhabitants join'd the fleet. The Light Infantry,

²⁹ Howe had sailed into New York harbor on June 25, 1776. Christopher Ward, *The War of the Revolution* (2 vol.; New York, 1952), I, 209 (hereafter Ward).

³⁰ Almost one hundred ships had cast anchor within Sandy Hook by two o'clock. Douglas S. Freeman, *George Washington* (7 vol.; New York, 1947-1957), IV, 127 (hereafter Freeman).

³¹ The fleet anchored about two miles off Gravesend Bay. Harry Lydenberg (ed.), *Archibald Robertson. His Diaries and Sketches in America 1762-1780* (New York, 1930), p. 86 (hereafter *Robertson*).

³² Long Island was the original goal of the army, but at a conference of the expedition's leaders that plan was discarded and Howe decided to land on Staten Island and await reinforcements. *Robertson*, 86; Charles Stedman, *The History of the Origin, Progress, and Termination of the American War* (2 vol.; London, 1794), I, 191 (hereafter *Stedman*).

³³ The fleet anchored so close to land that Americans could fire muskets at it, but they failed to harm the ships as they had no cannon. *Robertson*, 86.

Grenadiers,³⁴ and first Brigade are now under Orders to land: the Flat bottom'd boats are along side each Transport, and we only wait for the Signal to go board them. at 5 O'Clock the fleet got under way, the Tenders, and Small Vessels, keep in close shore, and fired on the Rebels, as the[y] appear'd in small parties; and at the Houses. Made our Landing on Staten Island, at 8 O'Clock at night, without a Shot being fired; as the Rebels abandon'd it, on the appearance of the Troops. This night we lay upon our Arms.³⁵

4th This morning a little after day-light, the Rebels fired from the Opposite Shore, on one of our Tenders, and Kill'd one Man, and Wounded two or three.³⁶

12th This day the Phenix and Rose Frigates, proceeded up to New-York, and took their Station above the Town without the least loss; 'tho the Rebels kept up an Incessant fire upon them from all their Batteries, as Soon almost as they made their appearance; and which was not return'd by the Ships, 'till they got within 40, or 50 yards of the Town.³⁷ In the evening L^d How arriv'd; he sail'd from England before the fleet, and Call'd at Hallifax.³⁸

Aug^t

20th Yesterday, and this day; the Brigades embark'd on board their Transports; and the Hessians took up their Quarters.

³⁴ In 1677 the tallest and strongest men in a regiment had been organized as grenadiers, with the duty of throwing hand grenades at the enemy. By 1774 the grenades had been discarded, but the grenadiers remained and continued to form the flower of a regiment. Curtis, 4-5.

³⁵ With the completion of the debarkation, 23,000 British and 8,000 Hessian troops, the best expeditionary force the British had ever created, settled down on Staten Island, to the delight of a majority of the island's inhabitants. Henry P. Johnston, *The Campaign of 1776 Around New York and Brooklyn* (Brooklyn, 1878), pp. 132-33 (hereafter Johnston); Ward, I, 209; Thomas Jones, *History of New York During the Revolutionary War* (2 vol.; New York, 1879), I, 103 (hereafter Jones).

³⁶ The casualties occurred on the *George*, which also had to be placed in dock for repairs. Kemble, 79.

³⁷ The *Phoenix*, forty guns, and *Rose*, twenty guns, plus a schooner and two tenders, escaped serious damage from any of the 196 missiles fired at them as they passed up the North River; and they so entranced the Americans by their effrontery that Washington had to reprimand the troops the next day for paying more attention to the vessels than to their duties. An attack by several small American craft on Aug. 3 failed to force the British ships down the river, but fire rafts accomplished that purpose on Aug. 16. Robertson, 89; Freeman, IV, 135-37, 144, 151.

³⁸ Lord Howe sailed into New York on the *Eagle*. In the following weeks he made a fruitless attempt to negotiate with Washington, during which time the British were reinforced by Hessians and Sir Henry Clinton's soldiers, who had been repulsed at Charleston. Only on Aug. 20 did the King's troops begin to stir. Robertson, 90; Ward, I, 209; Freeman, IV, 137 *et passim*.

2000 of them, with the broken Corps, & Convalescents, are to remain on the Island.

- 21st The Lt Infantry chang'd their quarters to near the Landing place, to be in readiness to embark on the shortest notice.
- 22^d The Army landed on Long Island, at 7 O'Clock in the morning; without the least Opposition.³⁹
- 24th The Advanc'd Guard of the Army, took post at Flat-Ground.⁴⁰
- 25th Numbers of the Inhabitants drove from their Houses, by the *Rebels*; came in, in great distress. This morning a Corporal of the 4th Light Company was wounded in the Eye, by one of the Rascally Rifle men.
- 26th March'd all Night, and took 5 Rebel officers prisoners; they were mounted, and fell in with us in the dark; supposing us to be a party of their own troops.⁴¹
- 27th This morning about 7 O'Clock we engag'd the *Rebels* in the Woods round *Bedford*; ⁴² their Rifle Men were very numerous. By the acc^t we receiv'd by prisoners, 3000 oppos'd the two Battalions of light Infantry which we drove with great slaughter, and very little loss on our side, 'tho their first fire was very heavy. The defeat of the *Rebels* now became general; and we have taken some Cannon (our Battalion one) with a great many Colours, and above 1000 prisoners; ⁴³ among which is L^d Sterling ⁴⁴ and Gen^l Sullivan.⁴⁵ We are now in Search of more.

³⁹ By noon about 15,000 men and forty cannon had been transported from Staten Island to Long Island, landing in Gravesend Bay, near the village of New Utrecht. Standing off shore, several frigates and two bomb ketches had waited to aid the debarking troops, but American opposition did not materialize. *Robertson*, 93; William B. Wilcox (ed.), *The American Rebellion* (New Haven, 1954), p. 40 (hereafter Willcox); Freeman, IV, 154; Ward, I, 211.

⁴⁰ Flatlands, near Flatbush.

⁴¹ Only skirmishing had occurred between the Americans on the Heights of Guan before Brooklyn and the British below those hills since Aug. 22, but at 9 p.m. on Aug. 26 a powerful British force began a flanking movement aimed at Jamaica Pass, on the American left. When an English patrol captured the only American patrol watching the pass, the avenue to attack the left rear of the Americans was opened for the enterprising British. Thomas W. Field, *The Battle of Long Island* (Brooklyn, 1869), pp. 152-58 (hereafter Field); Ward, I, 212; Johnston, 160, 175-80.

⁴² About three miles east of Jamaica Pass.

⁴³ Stirke's battalion helped to lead the early morning attack on the American left, which, in conjunction with determined British action on the American right flank, produced an American debacle. The Americans lost about one thousand men, while the British suffered 360 casualties. Freeman, IV, 165-67; Johnston, 161-74, 180, 204; *Robertson*, 94.

⁴⁴ Brig.-Gen. William Alexander (Dec. 26, 1726-Jan. 15, 1783), better known as Lord Stirling. He was exchanged by the British soon after his capture. *DAB*.

⁴⁵ Maj.-Gen. John Sullivan (Feb. 17, 1740-Jan. 23, 1795). Sullivan was subsequently exchanged for Gen. Richard Prescott. *DAB*.

29th This day the Light Infantry kill'd 3 Riffle Men, and took one Prisoner.

30th The 1st Battalion of L^t Infantry took post at Hell-Gate Ferry. This day the Rebels abandon'd all their Works on long Island;⁴⁶ and the Men of War got possession of Kings Island, and took 700 Prisoners.⁴⁷

Sept^r

8th At day break we open'd our Batteries at Hell-Gate ferry consisting of 3 Twenty four pounders, 3 Twelve pounders and 10 Royals.⁴⁸ The firing was very hot all day, which damag'd the Rebel works considerably; The[y] return'd our fire with only 2 Guns; 'till towards Evening, when several shells were thrown, which fell among the Houses we are quarter'd in, without doing us any damage. Our loss at the Battery, was a Sailor Kill'd, and a man of the 17th Light Com^y wounded.

9th An Artillery Man had his thigh shot off, and he died soon after.⁴⁹

10th At 7 O'Clock in the morning, the 1st and 2^d Battalions of Light Infantry landed on * [** Call'd by they Soldiers Barren Island.*] Buchannons Island,⁵⁰ below Hell-Gate; one of the Rebel Centrys fired three times at the boat I was in, before he Retreated, and wounded (I fear mortally) * [** He died a few days after.*] a man of my Company.

11th In the evening we took post on Montrossors Island.⁵¹ The 2^d Battalion of Light Infantry landed there yesterday—part of the 1st Brigade succeeded us on the Island we left.

14th The two battalions of Light Infantry, return'd to Long Island at 10 O'Clock at Night.

⁴⁶ Instead of attacking the American fortifications in front of Brooklyn after his victory on Aug. 27, Howe resorted to siege tactics and thus gave Washington the opportunity to ferry his army to Manhattan during the night of Aug. 29. Johnston, 212, 221-24.

⁴⁷ Governor's Island. Contrary to Stirke, the Americans successfully evacuated its garrison. Stedman, I, 199; Bernhard A. Uhlendorf (trans.), *Revolution in America* (New Brunswick, N. J., 1957), p. 40 (hereafter Uhlendorf).

⁴⁸ The British had erected two batteries between Sept. 4-6 at Hell Gate, across from Horn's Hook (now Carl Schurz Park, near 89th Street and East End Avenue), where the Americans had placed some cannon on high ground. Robertson, 95; Bruce Bliven, *Battle for Manhattan* (New York, 1955), 19 (hereafter Bliven); Mackenzie, I, 41.

⁴⁹ During the night the Americans repaired their works and bombarded the British batteries in the morning, dismounting one or two of their cannon. Robertson, 92; Mackenzie, I, 41.

⁵⁰ Buchanan's Island, now Ward's Island.

⁵¹ Randall's Island.

15th The Army landed on York-Island about 11 O'Clock in the morning a little above Turtle Bay, under Cover of the Men of War.⁵² They Rebels appear'd in great numb^{rs} and seem'd inclin'd to make a Vigorous Opposition; but the heavy, and well directed fire, from they Frigates that cover'd our landing, soon dispers'd them; and the Army landed with^{out} the loss of a Man.

16th The 2^d and 3^d Battalion of Light Infantry was attack'd from the skirts of a Wood, by a large party of the Rebels, which they drove back, but advancing to near their Works, got a check; 'till a reinforcement coming up (Consisting of a Highland battalion,⁵³ and a battalion of Grenadiers) soon turn'd the Scale, and planted Victory on our Side.⁵⁴

22^d About 1 O'Clock in the morning a fire broke out in New-York, which Consum'd about a fourth part of the City. It was set fire to in different places, by some of they Rebels that Conceal'd themselves in the Town— several were caught in the very fact, and immediately put to death; and others have been taken up on Suspicion. Two very handsome Churches, Gen^l Robinsons⁵⁵ House, and Valuable furniture, with many other fine Houses, were reduc'd to Ashes.⁵⁶

Oct^r

2^d The Light Infantry march'd from the Pass near Harlem, and took up their Quarters, on the North Side of the Island

⁵² The British landing, with the 1st Battalion of Light Infantry in the van, had been preceded by heavy naval fire that helped to forment panic in the untried American militia that waited behind uncompleted fortifications. When the redcoats jumped from their boats, the Americans fled and only a few Hessians were killed. *Mackenzie*, I, 46-48; *Freeman*, IV, 192-95; *Ward*, I, 244-45; *Johnston*, 234.

⁵³ The 42nd Regiment, or Black Watch. *Ward*, I, 248.

⁵⁴ The Battle of Harlem Heights. An American attack on advancing British light infantry began near the present General Grant Housing Project (123rd-124th Streets, between Broadway and Amsterdam Avenues), and succeeded in forcing the British back to 111th Street. This retreat, the first forced by the Americans, bouyed American morale and caused Howe and other British officers to criticize the light infantry for its rash advance. *Johnston*, 230; *Bliven*, 21, 84 *et passim*; *Freeman*, IV, 202-03; *Robertson*, 99; *Mackenzie*, I, 51; *Unlendorf*, 49-50; *Edward H. Tatum* (ed.), *The American Journal of Ambrose Serle* (San Marino, Calif., 1940), 107-08 (hereafter *Serle*).

⁵⁵ Maj.-Gen. James Robertson (1720[?]-1788). Robertson initially lived in William Street, close to John Street, and then in Hanover Square. *DNB*; *Benson J. Lossing*, *Pictorial Field Book of the Revolution* (2 vol.; New York, 1852), II, n. 1, 835 (hereafter *Lossing*).

⁵⁶ For several contemporary accounts of the fire, see I. N. Phelps Stokes, *The Iconography of Manhattan Island* (5 vol.; New York, 1926), V, 1020-24.

- about 4 miles from New-York. The 10th Reg^t succeeded them, in the advanc'd post.⁵⁷
- 11th The Light Infantry, Grenadiers and part of the Army, embark'd in flat Boats, at Turtle bay about 11 O'Clock at night; and remain'd in they boats, 'till morning.
- 12th Proceeded down they Rapids call'd Hell Gate, and Landed at 1/2 after 9 O'Clock in the morning at Frog-Neck,⁵⁸ about 5 mile below Kings Bridge⁵⁹ without the least Opposition. In coming down the Rapids a very unlucky Accident happen'd; one of the Gun-boats runing foul of a Ship, was sunk, and 2 Artillery men was drowned.⁶⁰
- 17th The Lt Infantry, Grenadiers, and one Brigade, with a body of Hessians; march'd at 1 O'Clock but the morning setting in with very heavy rain, and high wind; oblig'd us to return to our Quarters, at 1/2 after 3 O'Clock.
- 18th The body of men mention'd yesterday; march'd this morning at 1 O'Clock; embark'd in they flat boats, and landed at half after 8 O'Clock, on the opposite side of a small Creek below Frog Neck,⁶¹ (which divided it from Pells-Neck) without opposition, (except a Centrys firing two shots) but had not advanc'd above a quarter of a mile; before we receiv'd a very heavy fire, as we march'd up a Hill, from behind Stone Walls, pickets &c. by which I had 1 Serjt Kill'd,* [*Since dead*] another, with a private man Wounded. The 1st Battalion of Lt Infantry push'd the Rebels from fence to fence, without being Sustain'd, 'till about 2 O'Clock when a battalion of Hessian Grenadiers came up; with them we took possession of some heights, about 6 miles below Kings-bridge. The Grenadiers, and 1st brigade, mov'd on by our Right, and took post on they Heights of Rochell; about 1 mile farther advanc'd.⁶² Our

⁵⁷ The light infantry and grenadiers moved from the advanced line at Harlem back to Bloomingdale. *Mackenzie*, I, 68; *Robertson*, 100.

⁵⁸ Often Throg's Neck or Point; now Fort Schuyler Park in the Bronx. The Americans destroyed the bridge connecting the neck with mainland and thus frustrated this move of Howe. Jones, I, Note XXXIX, 620-21; Bliven, 105; Willcox, 49; Stedman, I, 210.

⁵⁹ King's Bridge connected the northern end of Manhattan Island with West Chester County.

⁶⁰ Other accounts state that at least four men and three six-pounder cannon were lost in the accident. *Mackenzie*, I, 77, 85; Willcox, 49; Uhlendorf, 58; *Serle*, 123.

⁶¹ The British landed on Pell's Point's near Pelham Bay Park. Bliven, 105.

⁶² Col. John Glover, with about 750 men, skillfully resisted the advance of the British, who finally halted on the heights of Pelham Manor. The British

loss, was our Commanding Officer,* [* *Captⁿ Evyline* ⁶³ *Since dead.*] 1 Captⁿ and 1 Subtⁿ wounded; 2 Serj^{ts} Kill'd, 1 Wounded; and 28 R^k and file Kill'd, & Wounded.

- 19th Gen^l Lee's ⁶⁴ Orderly Man deserted to us, and brought in his Horse, and Cloak.
- 21st The Army took post on the heights of New-Rochelle, without Opposition.
- 22^d The 3^d Battalion of Light Infantry march'd to sustain Colonel Roger's ⁶⁵ Corp, posted in the front of the Army, who were attack'd by the Rebels, in which the[y] lost some men.⁶⁶
- 23^d About 1 O'Clock, the Light Infantry, some Battalions, with Hessian Chasseurs,⁶⁷ and a party of Light Horse; were sent out to Examine the Ground between our Encampment, and y^e Rebels on the North River: The Rebels appear'd in small partys at a great distance, but always retreated as we advanc'd. The Chasseurs lost two, or three men. We return'd about 6 O'Clock the same evening.⁶⁸
- 25th The Army march'd at 9 O'Clock in the morning, and towards evening Encamp'd Opposite a Rebel Encampment; with a small Rivelet between; ⁶⁹ they picquets within musquet Shot of each other. We did not meet with the least Opposition on our march. The Light Dragoons took 2 of the Rebel advanc'd Centrys prisoners.
- 27th At 2 O'Clock This morning we observ'd that they Rebel fires were extinguis'd; and when day appear'd, that they had Struck their Tents, and abandon'd the Ground. About

left ran to East Chester Creek and their right to New Rochelle, creating a front of nearly two miles, running north or northeast. Ward, I, 257-58; *Robertson*, 104.

⁶³ Capt. W. Glanville Evelyn. Ford, 67.

⁶⁴ Gen. Charles Lee (1731-Oct. 2, 1782). *DAB*.

⁶⁵ Robert Rogers (Nov. 7, 1731-May 18, 1795), who first gained fame with his ranger companies during the French and Indian War. For a short time early in the Revolution, he commanded the Queen's American Rangers, a loyalist outfit. *DAB*; John R. Cuneo, *Robert Rogers of the Rangers* (New York, 1959), 266 *et passim* (hereafter Cuneo).

⁶⁶ Rogers' Queen's Rangers were posted at Mamaroneck, where this American night attack almost completely surprised them. Cuneo, 271-72; Ward, I, 258-59.

⁶⁷ The light troops, or Jägers, of the Hessian and other German mercenaries. Uhlendorf, 16.

⁶⁸ Gen. Clinton led over two thousand men on this reconnoitering expedition about one and a half miles to the East Chester Road. Only the Hessians suffered casualties, probably between five and nine wounded. *Robertson*, 104-05; *Mackenzie*, I, 87.

⁶⁹ The British had moved up about two miles to the East Chester Road, with the Bronx River before them. *Robertson*, 105.

- 7 O'Clock we heard a very heavy Cannonade, which we suppos'd to be from they men of war in the North River.⁷⁰
- 28th The Army march'd at 1/2 after 7 O'Clock for the White Plains, and dislog'd several large parties of Rebels, that threw themselves into they Woods, in our front in order to impede our march; but on our field pieces being fired into they Woods, they immediately Run. About 1 O'Clock y^e Hessian Grenadiers, with the 2^d Brigade, and some Light Dragoons; * [** Here Lt Col Carr,⁷¹ of y^e 35th Reg^t was Kill'd.*] attack'd a large Body of the Rebels, very advantageously posted on a Hill,⁷² behind Stone Walls; from which they receiv'd a very heavy fire as they Advanc'd; but y^e Rebels were soon drove from them, tho' not without Some loss on our Side.*⁷³ [** I had a very troublesome Picquet, at y^e entrance of y^e Village at daylight my Centrys were fired on w^h continued by popping shots all day. I had one man w^d*] All this night the Rebels seem'd in great Confusion; we heard their Drums beat several times for Orders and a number of Waggons, and Carts moving; which we suppose were employ'd in removing their Stores &c out of the Village.⁷⁴
- 31st This morning the Army was in motion at 5 O'Clock, in order to Attack the Rebels, and drive them from they Hills the[y] are in possession of, opposite our Encampment; but the morning proving very Wet, we return'd to our Ground, about 7 O'Clock.

Nov^r

- 1st This morning we observ'd the Rebels setting fire to several Houses, and destroying the Country,⁷⁵ and by a *Gentleman*

⁷⁰ Probably the fire of two British frigates against Fort Washington. Freeman, IV, 226.

⁷¹ Lieut-Col. Robert Carr. Ford, 44.

⁷² Chatterton's Hill, about a mile from White Plains and west of the Bronx River. This hill, rising 180 feet above the Bronx, stood on the American right and formed the key to Washington's position at White Plains. Freeman, IV, 227-31; Otto Hufeland, *Westchester County During the American Revolution, 1775-1783* (Privately printed, 1926), 136 (hereafter Hufeland).

⁷³ Howe sent Hessian and British troops up Chatterton's Hill against direct enemy fire and those troops were repulsed twice. Then, in conjunction with a Hessian attack from the left, they took the position and threatened the whole American army. Hufeland, 141-42; M. Wallace, *Appeal to Arms* (New York, 1951), 120 (hereafter Wallace).

⁷⁴ While Howe dallied, Washington began to remove supplies from White Plains. Freeman, IV, 232.

⁷⁵ Some Americans set fire to houses in White Plains in order to deny them to the enemy, but Washington prohibited such acts on Nov. 2. Jones, I, Note XL, 624.

that came in yesterday, we have intelligence that the Rebels are retreating to their lines in Connecticut.⁷⁶ At half after 9 O'Clock we got under Arms, and push'd into the Village of the White plains, which y^e Enemy had just Abandon'd, and the Army Advanc'd at the same time: We receiv'd a few Stragling Shot, which did no execution. The 15th Reg^t had one man kill'd, and another Wounded, by the Rebel Cannon; and the Hessians 4 or 5 men Kill'd and Wounded. This Village is 30 miles from New-York, on the Road to New England.

- 5th The Army March'd towards y^e North River,⁷⁷ the Light Infantry Grenadiers, and Reserve, with the Hessian Chasseurs and some Light Dragoons brought up the Rear; and took up the Ground, the Rebels had been drove from on the 18th of last month. This night the Rebels set fire to the remaining house[s] in the Village.⁷⁸
- 6th At 1/2 after 8 O'Clock this morning we began our march, and at 2 O'Clock encamp'd in the Rear of the Army, near the North River. The Rebels Contented themselves with observing our motions at a distance, without venturing to Attack us.
- 7th All the heavy Cannon mov'd on towards Kings Bridge, in order to Invest Fort Washington,⁷⁹ on York Island; into which a body of the Rebels have retired, after abandoning y^e Bridge.
- 9th The 1st, and Second battalion of Light Infantry, with a small party of Hessian Chasseurs, to each battalion; march'd at 6 O'Clock in the evening, and about 12 O'Clock, encamp'd, near Col^l Phillips' House⁸⁰—20 miles from New York.

⁷⁶ Washington retreated about a mile to already prepared lines. *Robertson*, 107; *Jones*, I, Note XL, 623.

⁷⁷ The British marched towards Dobbs Ferry. *Ward*, I, 268.

⁷⁸ A Massachusetts militia major, J. W. Austin, and his men robbed and burned the buildings left in White Plains from the first fire. Washington denounced that conduct on Nov. 6 and had Austin court martialled two days later, which only resulted in a reprimand. But Gen. Lee tried Austin again and this time he was cashiered. *Jones*, I, Note XL, 625.

⁷⁹ Fort Washington stood on the highest land on Manhattan Island, near present 183rd Street, overlooking the Hudson River and nearly opposite to Fort Lee in New Jersey. Fort Washington had been erected to hamper British naval operations on the Hudson, but neither the fort nor its outworks had been completed. *Wallace*, 121; *Freeman*, IV, 243.

⁸⁰ Phillipse Manor, home of Col. Frederick Philipse, a Tory. The house still stands, at the corner of Warburton Avenue and Dock Street in Yonkers, and is open to the public.

- 12th This morning the Army march'd towards Kings bridge. And the 1st battalion of Light Infantry march'd to cover their left flank, and took post on hill, about 3 miles, in the rear of our Encampment, towards y^e White plains: 'till the Army had pass'd, and about 4 O'Clock in the Evening, we return'd to our Ground.
- 13th At 9 O'Clock this morning we march'd to Valentine Hills, where we took post. Here the Rebels had a Square Fort, which the[y] abandon'd and left a quantity of Rum, and other stores behind them.⁸¹
- 14th Took post on some hills, about a mile above Kings bridge.
- 15th We march'd to Head Quarters at De Lancys Mill; about 3 miles to the left of Kings bridge.
- 16th This morning the Army made 4 different Attacks on the Rebels lines, and Works, on the Heights, round Fort Washington, on York Island; which were carried with very little loss. Our Battalion had not a man Kill'd, or Wounded. The Hessian Grenadiers suffer'd most.⁸²
- 18th We return'd to the post we had left, near Kings Bridge.
- 20th We landed in the Jerseys', after passing a very disagreeable night in the Flat boats, under a thick heavy Rain.⁸³ The Guards, with y^e Brittish, and Hessian Grenadiers; and the Cannon succeded us; which were oblig'd to be drawn up almost a Precipice, above a half mile in length, by men, as it was impassable for Horses.* [** The 10th and 17th Companys were to make the 1st land^g with orders to push up the hill, with as much expedition as possible to take post; and maintain it, 'till sustain'd*] Our landing was not oppos'd ('tho under so many disadvantages) certainly owing to their not expecting us in that Quarter. On our march to Fort Lee,⁸⁴ we took some prisoners; the Fort is about ten miles from where we landed, which y^e Rebels abandon'd on our approach, and in Such Confusion as to leave their Cannon, Stores, &c., with their Tents Standing near the

⁸¹ Valentine's Hill is near Yonkers, just west of Mile Square.

⁸² The attackers' losses were seventy-eight killed and 374 wounded, out of which the Hessians lost fifty-eight killed and 272 wounded. Ward, I, 274.

⁸³ Stirke and his fellow soldiers crossed the Hudson below Dobbs Ferry and landed at present Alpine, New Jersey; the house used by Cornwallis as his headquarters has been restored. *Ibid.*, 256-57; *New Jersey: American Guide Series* (New York, 1939), 437.

⁸⁴ Fort Lee stood on the Palisades, across from what is now 160th Street in New York. It was just below Fort Washington.

Fort, all which fell into our hands. The military Stores &c taken this day is suppos'd to be worth £3000 Sterg.⁸⁵

- 21st We push'd on to New-Bridge,⁸⁶ where the Rebels (on our appearance) began to set fire to their Stores, and some houses; but on Our Advancing to the bridge, the[y] fled without effecting as much Mischief as intended; as a good part of the Stores fell into Our hands.⁸⁷ On the march one of our flanking partys, fell in which a Rebel advanc'd Guard and kill'd 2, or three of them. This day a body of Light Dragoons landed, and join'd us. At night we took post at Old Bridge,⁸⁸ which y^e *Dasterdly Rebels*, had broke down, to stop the pursuit. 22 miles from New-York.
- 22^d Number of the Inhabitants came in to take the Oaths of Allegiance.
- 26th The Light Infantry, Grenadiers, and Guards; with Hessian Chasseurs, and Light Dragoons, march'd at 3 O'Clock in the morning to the Village of Hackquackinack,⁸⁹ but the Rebels breaking down the Bridge, oblig'd us to ford the River about a mile above the Village. Our field pieces play'd into the Woods above the ford, to prevent y^e lurking *Scoundrels*, from annoying us in Crossing the River. This Village is 14 miles from New-York.
- 27th March'd about 5 miles towards Newark, and took post on some heights, by *Second River*.⁹⁰ We saw a few Rebels at a great distance.
- 28th March'd to Newark. Was informed that y^e Rebels had left the Town, that morning.⁹¹
- 29th March'd thro' Elizabeth-Town and took post between that & Woodbridge.⁹² The Rebels we hear have push'd on to Brunswick.
- 30th March'd to Amboy.⁹³

⁸⁵ Although Washington averted the capture of about two thousand men, the enemy seized over two hundred tents, almost one thousand barrels of flour, and almost all the troops' entrenching tools and baggage. The Americans departed from Fort Lee so hurriedly that the British found boiling breakfast kettles awaiting them as they marched in. Freeman, IV, 257-58; Ward, I, 277.

⁸⁶ About three miles north of Hackensack, where the British crossed the Hackensack River.

⁸⁷ Four hundred thousand musket cartridges, were taken by the British. Robertson, 113.

⁸⁸ Old Bridge was about a mile north of New Bridge.

⁸⁹ Acquackanonk Bridge, now Passaic. This is where the British crossed the Passaic River.

⁹⁰ Now Bellville, just north of Newark.

⁹¹ Freeman states that just as the British marched into Newark the American rearguard moved out, but without being pursued. Freeman, IV, 267.

⁹² Woodbridge is just north of Perth Amboy.

⁹³ Perth Amboy.

Dec^r

- 1st We march'd towards Brunswick. On our appearing on the heights before the Town; the Rebels began to abandon it, with all y^e expedition possible: We fired on them a Cross the River,⁹⁴ from our fieldpieces; which was return'd for sometime. As the Rebels took care to demolish part of the bridge, we cou'd not prevent their Carrying off some of their stores &c. The Hessians lost a Captⁿ,⁹⁵ kill'd by a Riffle, and a Grenadier by a Cannon ball. Having the bridge repaired, we took possession of the Town, in which the Rebels left several of their Sick, and Dead.
- 6th His Excellency Gen^l How arriv'd.⁹⁶
- 7th The Army march'd to [scratched out] Prince Town; the Light Infantry took post about a mile beyond it; when we saw a small body of the Rebels, destroying a bridge, which the[y] effected, before we cou'd drive them off.
- 8th March'd to Trent-Town; ⁹⁷ met with no Opposition; 'till we arriv'd at the River Delaware just between the Town, & the Ferry; where (just as we halted) we receiv'd a very heavy Cannonade from the opposite Side of the River,⁹⁸ which (before we could get under cover of a hill, at the back of the Town) Kill'd one of the dismounted Dragoons wounded a man of 27th light Company, and * [* died soon after] an Artillery man.
- 14th We march'd to Pennytown.⁹⁹ All the army now in motion, going into Winter Quarters. Yesterday morning that *Arch Traytor*, and *Rebel*, Gen^l Lee was taken. He was surpris'd in a house, almost within View of his Army; by the Hon^{ble} Lt Col: Harcourt, with a small party of Light Dragoons.¹⁰⁰
- 15th The 1st and 2^d Battalions of Light Infantry, arriv'd at Prince Town; appointed for their Winter Quarters. That unlucky

⁹⁴ Raritan River.

⁹⁵ Capt. von Weitershausen received a mortal wound at the bridge and died on Dec. 2. Unlendorf, 73-74.

⁹⁶ Cornwallis and his troops had remained in Brunswick since Dec. 1, at Howe's order. Stedman (I, 219) wrote that the enforced inactivity of Cornwallis had "saved the panic-struck and fleeing army of the Americans from utter ruin."

⁹⁷ Trenton.

⁹⁸ One account says the Americans had thirty-six cannon and nine mortars, while another says they had but eight or nine guns. Unlendorf, 74; *Robertson*, 115.

⁹⁹ Pennington, about four miles southwest of Princeton.

¹⁰⁰ Lieut-Col. William Harcourt (1743-1830) captured Gen. Lee on Dec. 13, 1776 at Basking Ridge, New Jersey. For this exploit, Harcourt received the thanks of Parliament and was made a king's aide-de-camp. *DNB*.

affair of Colonel Rall's, at Trent-Town, happening soon after; caus'd a Gen^l change of Quarters in the Jerseys, to the Whole army. The Light Infantry took post at the Bridge of Brunswick,¹⁰¹ about a mile above the Town; where we spent a very Disagreeable Winter, continually harrass'd in Observing the motions of the Enemy, collecting forage &c. On an expedition of the latter * [** On Feb^y 1st*] Lt Cuningham¹⁰² of the 22^d Light Comp^y was kill'd.¹⁰³

1777

July

2^d The Army abandon'd the Jerseys and Landed on Staten Island.

9th The Army under the Command of SrW^m How, compleated their Embarkation, at the Narrows.¹⁰⁴

20th Fell down to Sandy Hook.

23^d Sail'd. The 1st Battalion of Light Infantry, in the following Transports: The Christie, E. of Oxford, Spring, and Ocean Brig.¹⁰⁵ 2^d Battalion in the Betsey, Jenny, Mercury, and Hunter.

Aug^t

17th Arriv'd in Chesapeak Bay. 'Till this day, the wind had been Contrary.¹⁰⁶

19th A man of the 22^d Light Company fell over board, and was drowned.

25th We got into they flat Boats at 3 O'Clock in ye morning, and landed at 1/2 after 10 O'Clock within 7 miles of the head of Elk River, in Maryland, without Opposition.¹⁰⁷

28th March'd at 5 O'Clock in the morning, and arriv'd about 9 O'Clock at Elk Village, on the head of ye River, some

¹⁰¹ New Brunswick.

¹⁰² Probably Lt. George Augustus Cunningham, 22nd Regiment. Ford, 55.

¹⁰³ This foraging party of about a thousand British had marched towards Metuchen and suffered an American attack just after its wagons had been loaded, losing thirty killed and wounded. *Robertson*, 123-24.

¹⁰⁴ The soldiers remained aboard the ships until the fleet sailed, nearly two weeks later. Uhlendorf, 93; Ward, I, 329.

¹⁰⁵ Listed by André as the Ocean Tindal. Henry C. Lodge (ed.), *André's Journal* (2 vol.; Boston, 1903), I, 55 (hereafter *André*).

¹⁰⁶ Great heat, adverse winds, and severe storms bedeviled the fleet as it sailed south and at least twenty-seven soldiers died during the voyage. Uhlendorf, 97; *Serle*, 241-42; G. D. Scull, *The Montresor Journals*, New York Historical Society, *Collections* (1881), 431-32 (hereafter *Montresor*).

¹⁰⁷ Stirke and his company were among the first to land and they marched to within about four miles of present Elkton without meeting any opposition. Steady downpours over Aug. 26-27 prevented any further marching until Aug. 28. *André*, I, 69-70; Uhlendorf, 95; *Robertson*, 143.

parties of the Rebels appear'd on a hill ¹⁰⁸ about 2 miles above y^e Town, which gave us reason to expect a Vigorous Opposition, as it was a Very strong post. The light Infantry push'd up the hill, and were to be supported by y^e Grenadiers; but y^e Rebels retired without a shot being fired. In the Village we found a great Quantity of Tobacco, flour &c. which the Rebels had not time to take away, or destroy; they are computed to be worth 1500£ Ster^g. Gen^l Washington dined here yesterday.¹⁰⁹

31st This morning y^e 49th Reg^t, & part of the 23^d Reg^t as they were out Reconnoitering with L^d Cornwallis, and General Grant, fell in with a party of the Rebels, near a mill in Our front; and took a Colonel, and a few men Prisoners, and set fire to y^e mill—our loss was three, or four men kill'd and Wounded. In the Evening a Serj^t, Corp^l, and 6 of our Riffle men were taken by the Rebels, as they were driving in some Cattle.

Sept^r

3^d This morning about 5 O'Clock The L^t Infantry, Grenadiers, Hessian Chasseurs, Queens Rangers, some battalions of Brittish and Hessians, march'd under the Command of Sr W^m How, to take possession of they Iron Hills.¹¹⁰ About 8 O'Clock y^e Hessian Chasseurs, and 2^d Battalion of Light Infantry, attack'd a large party of the Rebels, strongly posted at a bridge,¹¹¹ at the foot of the Iron hills; which after a faint resistance, was carried with very little loss. The Rebels had about 50 kill'd, and Wounded.¹¹² The 1st Battalion of Light Infantry endeavouring to turn the left flank of y^e Rebels, and cu[t] off their Retreat, was prevented by an Impassable morass, which y^e Guide was not acquainted with.¹¹³ At this pass there was 500 Regulars, and 300 militia, under the Comm^d of Gen^l Maxwell.¹¹⁴

5th At 12 O'Clock y^e 1st Battalion of Light Infantry, was order'd

¹⁰⁸ Grey's, now Red Hill; about two and a half miles beyond Elkton, *Montresor*, 443; Uhlendorf, fn. 27, 100.

¹⁰⁹ André states that Washington dined on Aug. 27 in the house that Howe used as headquarters in Elkton. André, I, 72.

¹¹⁰ Iron Hill, about seven miles east of Head of Elk.

¹¹¹ Cooch's Bridge, across Christina Creek. This skirmish constituted the only engagement on Delaware soil during the Revolution. Uhlendorf, n. 29, 100-01; *Delaware: A Guide to the First State* (New York, 1938), p. 461.

¹¹² Other British accounts say that either twenty or thirty Americans were killed. *Montresor*, 446; Uhlendorf, 102.

¹¹³ This swamp, according to *Montresor*, prevented "this little spirited affair [from] becoming so decisive." *Montresor*, 446.

¹¹⁴ Brig. Gen. William Maxwell (c. 1733-Nov. 4, 1796). *DAB*.

under arms to attend L^d Cornwallis Sr W^m Erskine,¹¹⁵ Count Donop¹¹⁶ &c. on a Reconnoitering party in our front; we went about two miles without seeing any of the Rebels; and was inform'd by one of their Light Dragoons that came into us, that there was not more than 2, or 300 of the Rebels at Christeen bridge.¹¹⁷

6th Gen^l Grant¹¹⁸ with the Brigades left at Elk-Town, join'd the Army after destroying all the small Craft &c. left by the Rebels. The fleet are sail'd for the river Delaware.

8th At 1/2 after 5 O'Clock the Army march'd in three Divisions, from the left, towards Lancaster; and after marching about 10 miles, took post on some high grounds having turn'd the Right flank of y^e Rebel Army. This day we got 2 Stand of Colours, a number of Regimental Swords, and five or six Stand of Arms &c. at Colonel Pattersons House; he made his escape as the Light Infantry appear'd.

9th The Army march'd at 4 O'Clock in y^e evening towards Lancaster and y^e Light Infantry after a very disagreeable march, thro swamps, and rivers, in many places up to y^e middle; and after several halts, took post on a hill, at 2 O'Clock in the morning, about three miles from y^e ground we had left.¹¹⁹

10th March'd at 7 O'Clock, and arriv'd about 1 O'Clock, at Kennets Square.¹²⁰

11th The Division of the Army that mov'd off this morning to the left, under the Command of Sr W^m How, after a very fatigueing march of 17 miles; at 5 O'Clock in y^e evening, found the Rebels very strongly posted on the heights of Dilworth, to the amount of 8000 men, under y^e Command of Lord Sterling.¹²¹ The Attack was made by the Brittish

¹¹⁵ Sir William Erskine. Listed in Ford (p. 66) as a colonel at this time.

¹¹⁶ Col. the Count Carl Emil Curt von Donop.

¹¹⁷ Christiana Bridge, now Christiana, Delaware—above Iron Hill.

¹¹⁸ Gen. James Grant (1720-1806). *DNB*

¹¹⁹ The British camped near Hockesson Meeting House. J. Smith Futhey, "The Massacre of Paoli," *Pennsylvania Magazine of History and Biography*, I (1877), 290 (hereafter Futhey).

¹²⁰ Kennett Square, thirty-one miles southwest of Philadelphia. In Revolutionary days people frequently referred to the village as Kennet's Square. Freeman, IV, 472.

¹²¹ This column formed the British flanking movement to the left at Brandywine and after a long march came upon the American right wing at Birmingham Meeting House. Sullivan, not Stirling, commanded the American right. Futhey, 291; Ward, I, 349-50; Freeman, IV, 272.

Montresor comments that the British march was "both sultry and dusty" and that many soldiers dropped out because of the heat. *Montresor*, 449-50.

Light Infantry, and Grenadiers, Hessian Chasseurs and 4th Brigade, under a heavy fire both of Cannon and small arms; notwithstanding which, and the difficulty of the ground we had to march over, we push'd the Rebels from y^e heights, in about 15 minutes, with great loss; besides most of their Cannon which fell into our hands. The 2^d Division that mov'd off to the right, (at y^e same time we march'd in the morning) under the Comm^d of Gen^l Kniphausen; as soon as he heard we were engag'd began the Attack on the main body of the Rebel Army, under the Comm^d of Gen^l Washington and very advantageously posted above the ford¹²² at the Brandywine, from which y^e were push'd with Considerable loss; and had there been but one hour more of daylight, all their Waggon, and baggage would have fallen into our hands.¹²³ The loss of the Rebels we can't ascertain; but have reason to believe it to be, about 1000 men in kill'd, wounded and taken prisoners—¹²⁴ with 17 pieces of Cannon¹²⁵ &c. The 1st Battalion of Light Infantry took 5 of the number; and the General is pleased to make a present of 100 Doll^{rs} for each Gun taken.

13th March'd at 6 O'Clock, and encamp'd in y^e Evening about 3 miles from Chester. By four Deserters that join's us this morning, we are inform'd that Gen^l Washington has retir'd with the remains of his Army to Darby; and that one of their Generals (a Frenchman) was dead of they wounds he rec^d the 11th Instant.¹²⁶

15th March'd at 10 O'Clock at night.

16th This morning a party of Light Dragoons, with us, surpris'd at a house a Rebel Colonel and a Major of Brigade; 3 Light Dragoons was with them but made their escape out of a

¹²² Chad's Ford, about a seven and a half miles northwest of Kennett Square.

¹²³ Howe's report and other contemporary British accounts of the battle also claim that only the fatigue of the troops and the fall of night saved the Americans from a more resounding defeat. Samuel W. Pennypacker, "The High Water Mark of the British Invasion," *Pennsylvania Magazine of History and Biography*, XXXI (1907), 394; *Montresor*, 450; *Robertson*, 146; *André*, I, 87; Uhlendorf, 110.

¹²⁴ Howe reported that 300 Americans were killed, 400 were made prisoner, and 600 were wounded, but no definite count of American losses was ever ascertained. Ward, I, 353-54. On the British side, an estimated 500 soldiers were killed and wounded. Uhlendorf, 112.

¹²⁵ Stirke probably erred in stating that seventeen canon were taken, as of three other contemporary accounts one stated fourteen pieces were captured and two claimed only eleven pieces were prizes. Uhlendorf, 112; *André*, I, 88; *Montresor*, 451.

¹²⁶ Probably a mistaken reference to Lafayette, who suffered a leg wound at Brandywine. Ward, I, 354.

backdoor, leaving their Horses behind them.¹²⁷ About 3 O'Clock, the first Battⁿ of Light Infantry, attack'd a body of 500 rebels, under the Command of Gen^l Waine,¹²⁸ posted behind a fence, on a hill, about half a mile from Goshen meeting House on our advancing very briskly ye gave us one fire and run away; leaving 10 men kill'd and Wounded on the field; and by Deserters that came in just after, we are inform'd the loss of the Rebels, is about 50 men kill'd, wounded, and missing. Ours, only one man wounded.¹²⁹

- 17th March'd at 3 O'Clock in ye evening: about 4 miles; which brought us on ye road to Philadelphia. Every day Deserters come in from ye Rebel Army.
- 18th At 10 O'Clock the Army march'd in 2 Colomns towards Philadelphia; & at 4 O'Clock encamp'd on some hills about 20 miles from philadelphia, and two from ye Scuylkiln River.¹³⁰ This evening 3 Companys with our riddle men . . . [scratched out], under the Command of Major Craig,¹³¹ was detach'd to take possession of a large store, the Rebels have at Valley Forge, about two miles in our front.¹³²
- 19th The 1st Battalion of Light Infantry and 1st and 2nd of Grenadiers, march'd at 1 O'Clock to sustain Major Craig, as the Rebels appear'd in large bodys, and made a show of attacking that post.
- 20th This morning at 6 O'Clock, ye 10th and 15th light Companys, with a party of mounted Chasseurs, and Light Dragoons, patrol'd to pickering Creek, about 3 miles, and brought in 5 Rebels.
- 21st About 12 O'Clock last night, Gen^l Grey,¹³³ with ye 2^d Battalion of Light Infantry, 42^d & 44th Reg^{ts}, with some Light Dragoons surpris'd Gen^l Waines brigade in their Camp, (which lay in our rear, in order to insult us on our

¹²⁷ Montresor also mentions this incident and also fails to name the prisoners. *Montresor*, 453.

¹²⁸ Brig.-Gen. Anthony Wayne (Jan. 1, 1745-Dec. 15, 1796). *DAB*.

¹²⁹ This engagement was cut short by a slashing rain that only stopped the next morning. Futhey, 297-98; Uhlendorf, 114.

¹³⁰ Schuylkill River.

¹³¹ Probably Maj. Peter Craig, 57th Regiment. Ford, 53.

¹³² Outside of losing a horse, the British apparently suffered no other casualties in capturing Valley Forge and its precious supplies, including large quantities of flour, soap and candles, horseshoes, axes, and cannon balls. *Montresor*, 455; Uhlendorf, 115.

¹³³ Maj.-Gen. Charles Grey, first Earl Grey (1729-1807), one of the best British generals; he became commander-in-chief in America just at the Revolution's end. *DNB*

march) and without firing a Shot, put about 300 of the Rebels to Death, with y^e Bayonet; and took 200 prisoners; with all their baggage.¹³⁴ Our loss was * [* *Captⁿ Wolfe* ¹³⁵] 1 Captⁿ kill'd, with a Serg^t, and private; and 1 Lt Wounded. This evening Sr W^m Howe with y^e Army arriv'd at Valley Forge.

22^d At 6 O'Clock in y^e evening, a brigade of Guards, and one of Hessians, Cross'd the Scuykilmn River, without Opposition; y^e Guards at Swedes ford, and y^e Hessians 3 miles higher up. We hear that y^e Rebel Army mov'd off last night, towards Reading.

23^d Sr W^m Howe with y^e main body of the Army pass'd the Scuykilmn and encamp'd about 17 miles from Philadelphia.¹³⁶

25th Arriv'd at Germantown; Between that & Philadelphia, our light Dragoons, took prisoners a Captⁿ of y^e Rebel Light Dragoons, with four of his Troop and a Captⁿ of one of their Row Gallies.

26th The Brittish, and Hessian Grenadiers took Possession of Philadelphia.¹³⁷

Oct^r

4th This morning at 6 O'Clock, we were attack'd at several different Quarters by y^e Rebel Army under Gen^l Washington; the morning was so foggy that their Colomns cou'd hardly be distinguished at Twenty paces distance, and did not clear up 'till between nine and Ten O'Clock.¹³⁸ The Attack was made with some degree of Spirit, and lasted about four hours, before the Rebels begun to retreat, when we pursued them above Eight miles: Their loss was pretty Considerable, as they left numbers dead on y^e field. The 1st battlⁿ of Light Infantry was entirely Surrounded, their Wigwams, & provision Waggon in possession of the Enemy, 'till they fought their way thro' and retook them. Lt

¹³⁴ This was the Paoli Massacre, in which a swift, unexpected, and vicious British bayonet attack routed Wayne's force and inflicted 150 American casualties. The British had about ten casualties. Futhey, 304-06; *Montresor*, 456.

¹³⁵ Probably Capt. Williams Wolfe, 40th Regiment. Ford, 185.

¹³⁶ The army began to cross Fatland Ford, about half a mile below Valley Forge, at midnight, after the moon had risen. *Robertson*, 149-50; *Uhlendorf*, fn. 51, 116.

¹³⁷ Cornwallis actually seized the undefended city. Ward, I, 361.

¹³⁸ The Battle of Germantown. Stirke and his cohorts in the 1st Battalion of Light Infantry were posted on the British right, on the Limekiln Road, near Lukens' Mill. Alfred C. Lambdin, "Battle of Germantown," *Pennsylvania Magazine of History and Biography*, I (1877), 372 (hereafter Lambdin).

Colonel Musgrove¹³⁹ with some Companys of the 40th Reg^t, defended a large house¹⁴⁰ in Germantown, against a great Superiority of numb^{rs}, with Cannon, which forc'd open the doors, which were defended with great Bravery, and Slaughter to the Rebels, 'till they were drove entirely out of the Town, by the arrival of more Troops. For which very Gallant behavior, the Commander in Chief was pleased to honour him with his particular thanks. Our loss is inconsiderable in Comparison with the Rebels; and I hope will convince them, that their success will be the same, whether they attack, or, are attacked. We had one * [* *Agnew*¹⁴¹] Gen^l kill'd—and the loss of our battalⁿ was one * [* *Morgan*¹⁴²] Lt^t kill'd, and one Wound'd. The 4th and 15th Reg^{ts} suffered most.¹⁴³

- 18th A Detachment from the Army at Germantown, in two Colomns under the Command of Generals Grant, and Grey, march'd by different roads to reconnoitre y^e Rebels, and met at Churchill beyond beggartown;¹⁴⁴ where they had a strong post, which was abandon'd on our Approach. The Light Infantry headed each Colomn, and return'd to their Encampments at Sun Seting, after a Circuit of about 17 miles, without a Shot being fired.
- 19th Abandon'd Germantown, and form'd our Lines about a half mile from Philadelphia, from the River Delaware, to the Scuylkilmn River.
- 22^d Three battalions of Hessian Grenadiers, and the Hessian Chasseurs, under the Command of Colonel Donop; attack'd y^e Rebel Works at Red-Bank,¹⁴⁵ which y^e attempted carrying by Storm but after the most gallant effort having almost gain'd the Parapet of y^e body of the Work, they were beat back with some loss, leaving * [* *since Dead*] Colonel Donop wounded in the Ditch. The loss of the Hessians in this

¹³⁹ Lt.-Col. Thomas Musgrove (1737-1812). Musgrove's defense of the Chew House was commemorated by a silver medal that for a while served as a regimental order of merit. *DNB*

¹⁴⁰ The Chew House, or Cliveden, its formal name, which still stands.

¹⁴¹ Brig.-Gen. James Agnew, Col. of the 44th Foot. He was shot while leading British reinforcements through Germantown and died in the Wister House, now the Germantown Historical Society, Lambdin, 388; John F. Watson, *Annals of Philadelphia* (2 vol.; Phila., 1860), II, 38.

¹⁴² Lt. Marcus Anthony Morgan, 17th Regiment of Foot. Ford, 131.

¹⁴³ Total British casualties amounted to 511 men and American losses to 1,077 soldiers. Lambdin, 393.

¹⁴⁴ Beggarstown, just above Germantown.

¹⁴⁵ Red Bank was on the Jersey side of the Delaware River, across from Philadelphia, and the works there were known as Fort Mercer. Freeman, IV, 526.

unlucky repulse, is about 150 men kill'd, and wounded, and if their Commanding Officer had not unfortunately been Wounded, as he gain'd the Parapet, 'tis thought the Works wou'd have been Carried.

23^d The 1st battalion of Light Infantry and 27th Reg^t cross'd the Delaware at 6 O'Clock in y^e morning to Cover the retreat of the Hessians, from Red-Bank, and assist in bringing off their Wounded. This day we had the additional misfortune, of losing the *Augusta* man of War of 64 Guns; which took fire by accident, as she had just got to her station before the Rebel Works; most of the Crew were sav'd.¹⁴⁶ Much about the sametime a Sloop of War,¹⁴⁷ got a shore & was Oblig'd to be set fire too, to prevent her falling in to y^e hands of y^e Rebels.

24th The Light Infantry, and 27th Reg^t return'd to their Encampments about 4 O'Clock in y^e morning. We had some scattering shots from the militia, which wounded a man of the 27th Reg^t.

31st This morning at 3 O'Clock, the 1st Battalion of Light Infantry, took post on y^e Germantown Road, about a mile in front of the Picquets, on a supposition that the Rebels intended attacking them; and Maj^r Gwin¹⁴⁸ with a party of Light Dragoons, went as far as the Rising Sun without seeing any of the Rebels.¹⁴⁹ At Sun Rising we return'd to our Encampment.

Nov^r

16th This morning we took possession of Mud Island,¹⁵⁰ after a very heavy Cannonade, by which y^e Rebels lost a great number of men, before the[y] abandon'd the Works. The shiping are now employ'd, in endeavouring to raise y^e Cheveux-de-frize that were sunk in y^e River.

17th At 12 O'Clock at night, the 1st battalion of Light Infantry & Grenadiers, Hessian Chasseurs 27th and 33^d Reg^{ts}, with Hessian Grenadiers, under the command of Lord Corn-

¹⁴⁶ Fort Mifflin, on Port Island and nearly opposite Fort Mercer, was also bombarded during the attack on Red Bank; the *Augusta* ran aground and blew up, with a loss of sixty-two men. Freeman, IV, 528; *Montresor*, 470.

¹⁴⁷ The *Merlin*, sixteen guns. Uhlendorf, fn. 71, 128.

¹⁴⁸ Probably Maj. Francis Edward Gwynne, 16th Dragoons. Ford, 86.

¹⁴⁹ The Rising Sun Tavern stood on the east side of the Germantown Road, at its junction with the old York Road. W. A. Newman, "The Second Troop Philadelphia City Cavalry," *Pennsylvania Magazine of History and Biography*, LII (1928), n. 615, 380.

¹⁵⁰ Port Island, site of Fort Mifflin, was frequently identified as Mud Island, which lay just above it. Freeman, IV, fn. 34, 527.

wallis, march'd to Chester and cross'd y^e Delaware at Billings Fort,¹⁵¹ about 5 O'Clock in y^e evening, where we join'd the Troops from New-York, consisting of about 4000 men, under y^e command of Sr Tho^s Spencer Wilson. On our march to Chester, we surpris'd a party of y^e Rebels in a house, kill'd four, or five of them, and took about 20 prisoners we had the Serj^t Major of y^e 33^d Reg^t kill'd by a shot from y^e house and 2 or 3 men Wounded.¹⁵²

20th The Army march'd to Sandtown here a bridge was destroy'd, which we were Oblig'd to repair. This night the Rebels were employ'd in destroying their works at Red-Bank, and burning their shiping, that cou'd not get up the river, by Philadelphia; their Row Gallies which drew little water, got up under the Jersey Shore.

21st We took possession of Red-bank after y^e Rebels had abandon'd the Works.

22^d The Light Infantry arriv'd at great Timber Creek,¹⁵³ where y^e Rebels had just broke down the bridge; the five eldest Companies pass'd over in two small boats, they found at y^e bridge, to Cover the Workmen employ'd in repairing it. In the Evening small party's of the Rebels appear'd and begun to be troublesome firing on us from a railing on the Other side of a small swamp, from which we soon drove them, but with the loss of 2 men of the 5th light Company kill'd, and a man of y^e 4th Company Wounded. The Troops are now employ'd, in demolishing the Works at Red-Bank.

25th The Army march'd to Gloucester ¹⁵⁴ and begun to Cross over to Philadelphia. This evening the Hessian Chasseurs, posted on y^e right flank of the army, were attack'd by a much superior number of the Rebels, which they repuls'd with the loss of 30 men kill'd and Wounded. The loss of the Rebels is not known.

27th The battle &c. being got over, The Army return'd to Philadelphia. When y^e Light Infantry begun to embark in they Flat Boats, a large body of y^e Rebels threw themselves into a Wood, near y^e beech, and were very troublesome notwithstanding we were cover'd by y^e shiping, which kept up a heavy fire. We had one Officer and several men slightly wounded.

¹⁵¹ Billingsport, about twelve miles below present Camden.

¹⁵² Montresor says that all within the house were bayoneted. *Montresor*, 477.

¹⁵³ Timber Creek is just north of Red Bank.

¹⁵⁴ Gloucester, about four miles south of Camden.

RELIGIOUS INFLUENCES ON THE MANUMISSION OF SLAVES IN CAROLINE, DORCHESTER, AND TALBOT COUNTIES

By KENNETH L. CARROLL

I

ONE of the most interesting chapters in the economic, social, and religious history of Maryland is the rapid increase in the number of free Negroes in Maryland in the century preceding the disappearance of slavery in 1864. This article attempts to analyze the way this movement expressed itself in the central part of the Eastern Shore and to show the religious influences at work in this development. While certain economic and political factors affected the process, it received its start and gained its main strength from religion. This study is limited to that area of Maryland in which were located the three denominations most responsible for the manumission of slaves in Maryland—Quakers, Nicholites, and Methodists. Other religious groups did not take official action on the matter of slaveholding as these three did.

This central part of the Eastern Shore had been settled as early as the late 1650's. By 1755 it had quite a large population, made up almost completely of whites and of Negro slaves. The small group of free Negroes living here at this time numbered only about 3.3 per cent of the *Negro* population.¹ By 1860 the percentage of free Negroes had risen to approximately 55 per cent of the total colored population. In 1860, 79 per cent of the Negroes in Caroline County were free, 53 per cent of those in Dorchester, and 44 per cent of the Negroes in Talbot County. A chart showing the numbers of slaves and of free Negroes in

¹ See James M. Wright, *The Free Negro in Maryland, 1634-1860* (New York, 1921), pp. 84-85 for the Dorchester and Talbot statistics. Caroline County, taken from Dorchester and Queen Anne's, was not set up until 1774.

these three counties² is included here, so that the influence of the various religious groups might be seen more clearly.

	<i>Caroline</i>		<i>Dorchester</i>		<i>Talbot</i>	
	slave	free colored	slave	free colored	slave	free colored
1755			2,610	77	2,799	111
1790	1,057	421	5,337	528	4,777	1,076
1800	1,865	602	4,566	2,365	4,775	1,591
1810	1,520	1,001	5,032	2,661	4,878	2,103
1820	1,574	1,390	5,168	2,496	4,768	2,234
1830	1,177	1,652	5,001	3,000	4,173	2,483
1840	752	1,720	4,227	3,987	3,687	2,350
1850	808	2,788	4,282	3,848	4,134	2,593
1860	739	2,786	4,123	4,684	3,725	2,964

The small group of free colored people living in this tri-county area in 1755 had two origins. There were, in all probability, some free Negroes from the earliest days of these counties.³ This small group had been augmented from time to time by slaves set free by individuals whose own consciences, rather than their denominations, led them to manumit their slaves. Several early examples of this can be found. In 1703 John Jadwyn (Jadwin), a Talbot County Quaker, freed his Negro slave Philip—having promised the slave his freedom after a certain period of service.⁴ Even earlier, in 1684, William Dixon sought the advice of his own Quaker meeting concerning his wish to sell a Negro his freedom.⁵ By his will in 1708 this same William Dixon freed two slaves and provided for their support by furnishing them 50 acres of land, a house, and the beginnings of a flock. He wrote that "It has often been with me if the Lord would let you live with me to y^e end of my days to set you free w^{ch} I have accordingly done."⁶

² Caroline, carved out of Dorchester and Queen Anne's Counties, was not set up until 1774. These statistics are taken from the various published abstracts of the United States censuses from 1790 to 1860. A complete set can be found in the State Library, Annapolis.

³ Jeffrey R. Brackett, *The Negro in Maryland: A Study of the Institution of Slavery* (Baltimore, 1889), p. 176.

⁴ Talbot County Land Records, Liber 9, Folio 358.

⁵ Minutes of Third Haven Monthly Meeting of Friends, I, 66. These records, hereafter referred to as Third Haven Minutes, are now on deposit in the Hall of Records, Annapolis.

⁶ Talbot County Wills, Liber 1, Folio 251.

A number of early American Quakers attacked the practice of slavery. Among the first to speak out was the Philadelphia merchant Ralph Sandiford, who, in 1729, published a short treatise called *A Brief Examination of the Practice of the Times*. In this work he presented "many arguments against slavery and the slave-trade, showing that they are subversive to the natural rights of man and utterly repugnant to the spirit of Christianity."⁷ Benjamin Lay and Anthony Benezet were two other early Quaker advocates of emancipation.⁸ The Quaker who influenced Maryland Friends most on this matter was John Woolman who, sometime after a 1746 religious journey to Maryland and Virginia, wrote his *Considerations on the Keeping of Negroes*. The first part of this work appeared in 1754, and second part was added in 1762. Although it was not the earliest treatise ever published on this subject, it was certainly one of the most effective that has ever appeared.

Under the prodding of such leaders as these and of their own quickened consciences, Maryland Quakers in 1760 declared at their General Meeting at Third Haven (Easton) that "Friends should not in any wise encourage the importation of negroes, by buying or selling them, or other slaves."⁹ In 1762 the General Meeting, held this time at West River (near Annapolis), concluded that it was their "solid judgment that no member of our society shall be concerned in *importing* or *buying* of negroes, nor selling any without the consent and approbation of the Monthly Meeting they belong to."¹⁰ The step from a "concern" with slave buying to a "concern" with slave keeping was only a short one for a truly sensitive conscience.

Maryland Quakers had already developed a state of "uneasiness" concerning slave-holding when John Woolman, accompanied by John Sleeper, made his famous "walking journey" through Delaware and the Eastern Shore of Maryland in 1766. This "foot-journey" was a part of Woolman's attack upon the institution of slavery. He saw slavery as a cancerous

⁷ Samuel M. Janney, *History of the Religious Society of Friends, From Its Rise to the Year 1828*, 3 vols. (Philadelphia, 1867), III, 240-242.

⁸ See Thomas E. Drake, *Quakers and Slavery in America* (New Haven, 1950), pp. 34-47, for his chapter "Voices Crying in the Wilderness."

⁹ J. Saurin Norris, *The Early Friends (or Quakers) in Maryland* (Baltimore, 1862), p. 23.

¹⁰ See also Kenneth L. Carroll, "Maryland Quakers and Slavery," *Md. Hist. Mag.*, XLV (1950), 220.

disease, eating away at the moral and spiritual life of the Society of Friends and of America. Slavery was an evil that must be destroyed. As he moved slowly down through Delaware and across Caroline and Talbot Counties, Woolman became "an embodied conscience," seeking to awaken people to the great evil of slavery which sprang from luxury and selfish profit (which alone made luxury possible).

After visiting Caroline County John Woolman entered Talbot County at the beginning of the summer of 1766 and soon moved on after a short stay taken up in attendance at meetings, talking with individual Friends, and some visitation of families. This man, who has been called, "perhaps the most Christlike individual that Quakerism has ever produced,"¹¹ planted his seed well. Before long the harvest was ready to be gathered.

Joseph Berry freed one slave on February 7, 1767, and another one on March 26, 1767.¹² Several months after these manumissions were recorded on the public records, Joseph Berry then produced to Third Haven Monthly Meeting "Certificates of Manumission for Negroes Abram and Hannah who he has sett free and discharged from service, also a Bond Obligatory on himself and Heirs to set Negro Philip at present a Minor at Liberty when he arrives at the age of Twenty one Years."¹³ The Monthly Meeting, evidently sensing that these three were just the beginning with many more to follow, appointed Daniel Smith to "procure a proper Book for that purpose and to record these and any other of that kind that the Meeting may hereafter direct."¹⁴ This book was first kept by Smith, then by William Edmondson, and after 1779 by Richard Bartlett.¹⁵

A year went by before the next manumissions appear on the public records in Talbot County. James Berry freed one slave and Sarah Powell freed four on February 8, 1768. In the same year Benjamin Berry liberated nine, and two each were manumitted by William Troth, Elizabeth Neal, and Sarah Register.¹⁶ Quakers in the Caroline-Dorchester area soon began to follow

¹¹ Drake, *op. cit.*, p. 51.

¹² Talbot County Land Records, Liber 19, Folios 414-15.

¹³ Third Haven Minutes, II, 426.

¹⁴ *Ibid.*, II, 426.

¹⁵ The location of this book today is unknown.

¹⁶ Talbot County Land Records, Liber 19, Folios 474, 475, 496, 498, 499, and 543.

the example of their Talbot brethren. William Edmondson manumitted a slave on June 10, 1768, and James Edmondson released a Negro from slavery on January 4, 1769.¹⁷

In 1768 Maryland Quakers continued their movement toward an abolition position. The Yearly Meeting was of unanimous mind in advising that

. . . such as buy or sell them [*i. e.*, slaves] for term of Life or otherwise, contrary to the former direction of this Meeting, . . . if no prospect appears of their making satisfaction for the same by granting them their liberty, . . . that in such cases the said Meetings are hereby directed to proceed to Disown such persons as disorderly Walkers, until they so far come to a Sight and Sence of their Misconduct as to Condemn the same to the Satisfaction of the said Meetings.¹⁸

In this same year, 1768, Maryland Friends pointed out "the inconsistency of appointing such Friends to the station of elders as are in possession of slaves."¹⁹ This did not, however, become the policy of Maryland Friends until 1770 when they decided

. . . with a time of much calmness and brotherly tenderness towards each other, [that] it appears to be the solid sense and judgment of this Meeting, that in the future Friends should be careful to avoid appointing such for that service [the station of Elders] who do not appear to have a testimony in their heart against the practice of slave keeping.²⁰

Talbot County Quakers took seriously the directives of the Yearly Meeting on the buying and selling of slaves. Daniel Bartlett was disowned on the 30th of the 7th Month, 1767, for having bought a Negro slave.²¹ On the 30th of the 7th Month, 1768, George Willson was reported, by the representatives of the Tuckaho Preparative Meeting to Third Haven Monthly Meeting, for having bought a slave. After much patient "labor-

¹⁷ Dorchester County Land Records, Liber Old 22, Folio 359 and Liber Old 23, Folio 173.

¹⁸ Third Haven Minutes, II, 458.

¹⁹ Drake, *op. cit.*, p. 81.

²⁰ *Ibid.*, p. 81.

²¹ Third Haven Minutes, II, 424-25.

ing" with him on the part of the representatives of the Meeting, he was disowned on the 30th of the 3rd Month, 1769.²²

Talbot Friends steadily continued to manumit their slaves. Three were freed by Isaac Dixon and two by William Warren in 1769. In 1770 James Berry freed eight, Benjamin Parvin five, and Thomas Cockayne one.²³ Manumissions were few in the next several years: five in 1771, one in 1772, nine in 1773, and six in 1774.²⁴ In 1773 the Yearly Meeting took a great step forward—one which was largely responsible for the emancipation of all Quaker-owned slaves. It requested each Monthly Meeting to set up a local committee to treat with slave holders.²⁵ In response to this directive, Third Haven Monthly Meeting (containing all Quaker meetings in this tri-county area) appointed a standing committee of Benjamin Parvin, Howell Powell, William Edmondson, and Joseph Berry to "have the care and oversight of the negroes amongst us, whether in a state of Slavery or Freedom, and to treat with those who do not do justice to them, as Truth may abilitate them."²⁶ These four men had all liberated their slaves earlier. Having been so convinced of the importance of freeing slaves that they had freed their own, these Friends were now prepared to help others see the necessity of following their example. In 1777 James Edmondson and John Bartlett were added to the "Committee for care and oversight of negroes" to visit "such of our Brethren as continue in the practice of Slave-keeping."²⁷

With the added impetus stemming from the naming of this special committee in 1774 the number of manumissions increased rather rapidly in the next several years. In 1775, 1776, and 1777 Aaron Atkinson, who had earlier freed his own slaves, now manumitted thirteen more which he inherited from his two sisters; John Dixon freed eleven; and ten other Quakers emancipated another thirty-nine Negroes.²⁸

²² *Ibid.*, II, 458. The following preparatory meetings were under Third Haven Monthly Meeting at this time: Third Haven, Bayside, Choptank, and Tuckaho in Talbot County and Queen Anne's and Marshy Creek in Caroline.

²³ Talbot County Land Records, Liber 20, Folios 41, 47, 82, 90, 111.

²⁴ *Ibid.*, Liber 20, Folios 142, 149, 183, 274, 288, 289, 293, 360. Caroline County Land Records, Liber A, Folio 6.

²⁵ Third Haven Minutes, III, 28.

²⁶ *Ibid.*, III, 41.

²⁷ *Ibid.*, III, 84.

²⁸ Talbot County Land Records, Liber 20, Folios 434, 487, 523, 536, 539, 551, 559, 561, 565, 566, 571, 572; Liber 21, Folios 1, 13.

In 1777 the Maryland Yearly Meeting of Friends, gathering at Third Haven, decided on a "conditional disownment" for all remaining slaveholders:

By the Reports from our several Quarters we have Information, that our Testimony against Slave-keeping gains ground, which affords encouragement for the continuance of the united Labours of well-concerned Friends. This Meeting having been weightily under the Consideration of this important Branch of our Christian Testimony, and a concern prevailing for the furtherance and promotion thereof, have concluded, that, should any of the Members of our religious Society, remain so regardless of the Advices of this Meeting from time to time communicated, as to continue to hold Mankind in a state of Slavery; the Subscription of such, for the use of the Society, ought not in the future be received . . . and if any should continue so far to justify their conduct, as to refuse or reject the tender Advice of their Brethren herein; It is our solid Sense and Judgment of this Meeting, that the continuing in the Practice is become so burthensome, that such persons must be disunited from our religious Society.²⁹

Exactly one year later, in June of 1778, the Yearly Meeting called for the expulsion of slave-holders and also prohibited Friends from hiring slaves or from acting as overseers on the plantations of others who owned slaves.³⁰

The Quarterly Meeting, representing all Eastern Shore meetings, recommended that the subordinate Monthly Meetings "do continue their Care in visiting the few who now remain possessed of slaves."³¹ As a result of the new ruling of the Yearly Meeting and the continuing visits of this committee with the few remaining Quaker slave owners manumissions continued to come in. Sixteen more Friends in Caroline and Talbot freed another fifty-five Negroes in 1778, 1779, 1780, and 1781.³²

A few Quakers were disowned in this tri-county area for holding slaves. Usually some other charge was combined with slave-

²⁹ Third Haven Minutes, III, 84. See Drake, *op. cit.*, pp. 68-84, for his chapter "The Quakers Free Their Slaves."

³⁰ Drake, *op. cit.*, p. 81.

³¹ Third Haven Minutes, III, 87.

³² Caroline County Land Records, Liber A., Folios 351, 365, 454, 455, 528; Talbot County Land Records, Liber 21, Folios 32, 50, 82, 102, 130, 140, 149, 158, 160, 161, 162, 163, 188.

holding; thus, in 1786, Howell Powell, Jr., son of an esteemed elder of the Meeting, was disowned for holding slaves and indulging a "Libertine Spirit." Four years later, in 1790, he freed the ten slaves that he owned.³³ Where there appeared any possibility of bringing the erring member into line, the representatives of the meeting labored long and patiently. Then, too, there were other complicating factors: slave holders who married into the Society, legacies of slaves to Friends, and the estates of minors. Time was needed for the complete disappearance of slave holding among Caroline, Dorchester, and Talbot Friends. From 1782 through 1791 there appear approximately thirty more deeds of manumissions in the public records of Caroline, Dorchester, and Talbot whereby Quakers in these two areas freed about one hundred and fifty slaves.³⁴ By 1792 Third Haven Monthly Meeting, which contained the four meetings in Talbot and the two in Caroline, stated in its report to the Quarterly Meeting, that the Meeting was "clear of slavery except in the estates of some minors."³⁵

By 1790 well over three hundred Quaker-owned slaves have been liberated by deeds of manumission recorded in the land records of Caroline, Dorchester, and Talbot Counties. Untold numbers were also set free by wills. Most of these manumissions, by will or by deed, took place in Talbot where the Quakers were much more numerous and wealthier than those in Caroline County. The Quaker influence on the manumission of slaves was pretty well over by 1790 when the Society was free of slave owners. Only those inheriting slaves or non-Friends who wished to be received as members would be directly touched from this point on.

II

The second religious group to make its convictions felt in the manumission of slaves in this tri-county area was the Nicho-

³³ Third Haven Minutes, III, 223. Talbot County Land Records, Liber 24, Folios 198-199.

³⁴ Talbot County Land Records, Libri 21-24, *passim*; Caroline County Land Records, Libri A, B, C, *passim*; Dorchester County Land Records, Liber Old 28, Folios 330, 408; Liber NH5, Folios 317, 357.

³⁵ Third Haven Minutes, III, 301. Concerning Quakerism in these three counties, see Kenneth L. Carroll, "Talbot County Quakerism in the Colonial Period," *Md. Hist. Mag.*, LIII (1958), 326-370; "Quakerism in Caroline County, Maryland: Its Rise and Decline," *The Bulletin of the Friends Historical Association*, XLVIII (1959), 83-102.

lite Society. The Nicholites appeared in the early 1760's as a result of the preaching of Joseph Nichols who lived just over the Maryland line in Delaware. Nichols, in the ten or twelve years before his death in 1773 or 1774, fashioned a religious movement which was very much like the Society of Friends.³⁶ The greatest number of his followers lived in what is now Caroline County, with smaller numbers in Dorchester County and across the Delaware border in Sussex County. About the time of the outbreak of the American Revolutionary War a number of the Nicholites moved southward into North Carolina.

John Woolman travelled through the area where the Nicholites were concentrated, when he made his 1766 "walking journey" through Delaware and Maryland. His *Journal* reports their presence at a number of his meetings.³⁷ The Nicholites, still in the formative years of their development as a religious movement, were greatly influenced by John Woolman.³⁸ This seems especially true where the question of slavery was concerned.

Just when Joseph Nichols began preaching against slavery is uncertain. Lambert Hopkins, who in 1817 recorded what he then remembered about Joseph Nichols whom he first met in 1764 or 1765 and whom he followed for about eight years, claimed that Nichols adopted his anti-slavery position shortly before the arrival of Woolman in 1766. He said that Nichols

... was the first man in these parts who preached against the evil of slave-holding; so far did his conscientious scruples extend that he avoided putting up at places where the labour was done by slaves. His testimony in this respect met with some opposition and even members of the Society of Friends opposed him; but it happened a short time afterwards, two Friends [Woolman and John Sleeper] came down on foot and publicly preached against the evil of slavery.

³⁶ Concerning the Nicholites see Kenneth L. Carroll, "Joseph Nichols and the Nicholites of Caroline County, Maryland," *Md. Hist. Mag.*, XLV (1950), 47-61; "More About the Nicholites," *ibid.*, XLVI (1951), 278-289; and "The Nicholites Become Quakers: An Example of Unity in Diversity," *Bulletin of the Friends Historical Association*, XLVII (1958), 3-19.

³⁷ Amelia Mott Gummere (ed.), *The Journal and Essays of John Woolman* (Philadelphia, 1922), pp. 271-272.

³⁸ See Kenneth L. Carroll, "The Influence of John Woolman on Joseph Nichols and the Nicholites" in Anna Brinton (ed.), *Then and Now: Quaker Essays* (Philadelphia, 1960), pp. 168-179.

Friends then received that testimony which they had refused from Joseph, and in a few years it became general among them to free their negroes.³⁹

Hopkins may possibly be correct when he states that Joseph Nichols preached against slavery before the arrival of Woolman and Sleeper in 1766. It seems to me, however, that this claim reflects a later rivalry on this subject between Nicholites and Friends. The basis for such a claim, it would appear, lies in the fact that the Nicholites, almost as a group, manumitted their slaves early in 1768, several months *before* the Quakers in nearby Marshy Creek Meeting did.⁴⁰ It should be noted, however, that Joseph Berry, James Berry, and Sarah Powell in neighboring Talbot County had already freed their slaves before any of the Nicholites took such action.⁴¹ In all likelihood Woolman's 1766 journey led both Nichols and the Nicholites to adopt their anti-slavery position.

Joseph Nichols was so opposed to living at the expense of slave labor that he refused to stay in the houses of the slave owners. In his public preaching Nichols declared that "it was made known to him of the Lord, that in the process of time the slaves would be a freed people."⁴² Two of Nichols' followers, William Dawson and William Harris, were so convinced of the evil of slavery that they determined to set their slaves free. They were discouraged by the public authorities, who advised them to try the slaves with "freedom" only for a time; then, after Dawson and Harris had seen their "folly," they might take the slaves back into their service. The two Nicholites remained firm in their intention, ultimately freeing their seven slaves on March 1, 1768.⁴³ These are the first manumissions listed in the public records of Dorchester County (which, at this time still contained the lower half of what was, in 1774, to become Caroline County). Their example was soon followed

³⁹ John Comly and Isaac Comly (eds.), *Friends' Miscellany* 10 vols. (Philadelphia, 1833), IV, 258.

⁴⁰ William Edmondson freed one slave on June 10, 1768, and James Edmondson freed his on January 4, 1769. See Dorchester County Land Records, Liber Old 22, Folio 359 and Liber Old 23, Folio 173.

⁴¹ William Troth, Benjamin Berry, and Elizabeth Neal were freeing their slaves at almost the same time as the Nicholites did. See footnotes 12 and 16.

⁴² *Friends' Miscellany*, IV, 258.

⁴³ Dorchester County Land Records, Liber Old 22, Folios 254-55.

by Daniel Adams and Richard Tull.⁴⁴ All of these Nicholite manumissions stressed the fact that the freedom had been granted "to satisfy my conscience."

Eventually the Nicholite testimony against holding slaves was incorporated into their discipline: "Any Person Holding a Slave is not to be Admitted to be a member."⁴⁵ In the Queries which the Nicholites drew up for use within their meetings, the ninth one dealt with slavery:

Are Friends careful to bear a faithful testimony against Slavery in its various branches, and provide in a suitable manner for those in their families that have had their freedom secured to them; are they instructed in useful learning, and is the welfare of such as have been set free attended to and the necessities of them relieved.⁴⁶

The Nicholites were consistent in their testimony against slavery and refused to hire slaves from slave-owners. Individual Nicholites carried their zeal even further. James Horney refused to eat with slaveholders or to use any goods either raised or procured through slave labor.

The Nicholite Society freed itself of slave owners quite early. Those who applied for membership after the Nicholites were formally organized in 1774 had to be without slaves. The few who inherited slaves after becoming Nicholites manumitted them as soon as possible. In 1789 Preston and Tabitha Godwin freed a slave which they had received by the will of Tabitha's father, Ebenezer Vaulx. James Harris, the main leader of the Nicholites following Nichols' death, likewise received a Negro slave by this same will and was quick to draw up a deed of manumission for this slave.⁴⁷ In 1799 James Harris witnessed a manumission deed drawn up by William Wood and then brought it in to be recorded.⁴⁸

The Nicholites, who possessed three meetings in Caroline County, were never a very large group. They likewise contained few well-to-do members. Their influence upon the manumission of slaves in this tri-county area was, therefore, much smaller than that of the neighboring Quakers.

⁴⁴ *Ibid.*, Liber Old 22, Folios 308, 336, 356.

⁴⁵ Kenneth L. Carroll, "More About the Nicholites," *Md. Hist. Mag.*; XLVI (1951), 283.

⁴⁶ "Queries of the Nicholite Friends," *Friends Intelligencer*, XVII (1860), 72.

⁴⁷ Caroline County Land Records, Liber B, Folios 471, 474.

⁴⁸ *Ibid.*, Liber F, Folio 370. One wonders if a little pressure had been brought on Wood to free his slave.

III

Methodism reached Caroline, Dorchester, and Talbot Counties long after the Quakers and the Nicholites. It soon, however, passed them in size—having a much greater appeal to the residents of this area at the end of the eighteenth and the beginning of the nineteenth centuries. The Methodist movement was responsible for bringing freedom to hundreds of slaves in these three counties.

All of the early Methodist leaders, with the exception of George Whitefield (with whom Wesley later broke), were opposed to slavery.⁴⁹ John Wesley produced his "Thoughts on Slavery" pamphlet in 1774 in order to strike "at the root of this complicated villiany." He wrote

I absolutely deny all slave-holding to be consistent with any degree of natural justice, mercy, and truth. No circumstances can make it necessary for a man to burst in sunder all the ties of humanity. It can never be necessary for a rational being to sink himself below a brute. A man can be under no necessity of degrading himself into a wolf.

You first acted the villain in making them slaves, whether you stole them or bought them. And this equally concerns every gentleman that has an estate in our American plantations; yea, all slaveholders of whatever rank or degree—seeing men-buyers are exactly on a level with men-stealers.

Have you, has any man living, a right to use another as a slave? It cannot be, even setting Revelation aside. Liberty is the right of every human creature as soon as he breathes the vital air, and no human being can deprive him of that right which he derives from the law of nature.⁵⁰

Only a few days before his death, John Wesley wrote to Wilberforce, "Go on till even American slavery, the vilest that ever saw the sun, shall vanish before it."⁵¹

⁴⁹ L. C. Matlack, *The Antislavery Struggle and Triumph in the Methodist Episcopal Church* (New York, 1881), pp. 30-31, reports Whitefield as saying "As to the lawfulness of keeping slaves I have no doubt. . . . I should think myself highly favored if I could purchase a good number of them in order to make their lives comfortable; and lay a foundation for breeding up their posterity in the nurture and admonition of the Lord." Whitefield bought slaves for the use of his Georgia orphanage.

⁵⁰ *Ibid.*, pp. 40-41.

⁵¹ John Nelson Norwood, *The Schism in the Methodist Episcopal Church, 1844: A Study of Slavery and Ecclesiastical Politics* (Alfred, N. Y., 1923), p. 9.

Bishop Francis Asbury, who was in charge of the Methodist movement in this area for many years and who visited Caroline, Dorchester, and Talbot Counties each about twenty times between 1778 and 1813, was very opposed to slavery. As early as 1772 Asbury noted in his *Journal* that he had conversations about not keeping Negroes "for conscience's sake."⁵² In 1778 Asbury wrote, "I find the more pious part of the people called Quakers, are exerting themselves for the liberation of the slaves. This is a very laudable design; and what the Methodists must come to, or, I fear, the Lord will depart from them."⁵³

Freeborn Garrettson, who was active in Caroline County in 1775, Talbot County in 1778 and 1783, and in Dorchester County in 1780, 1783, and 1787, was a Maryland slave owner who, at the time of his conversion in 1775, freed his slaves:

Although it was the Lord's day, I did not intend to go to any place of worship; neither did I desire to see any person, but wished to pass my time away in total solitude. I continued reading the Bible till eight, and then, under a sense of duty, called the family together for prayer. As I stood with a book in my hand, in the act of giving out a hymn, this thought powerfully struck my mind, "It is not right for you to keep your fellow-creatures in bondage; you must let the oppressed go free." I knew it to be the same blessed voice which had spoken to me before—till then I had never suspected that the practice of slave-keeping was wrong; I had not read a book on the subject, nor had been told so by any—I paused a minute, and then replied, "Lord, the oppressed shall go free." And I was as clear of them in my mind as if I had never owned one. I told them that they did not belong to me and that I did not desire their services without making them a compensation: I was now at liberty to proceed in worship. After singing, I kneeled to pray.⁵⁴

Garrettson said, "It was God, not man, that taught me the impropriety of holding slaves; and I shall never be able to praise him enough for it. My very heart has bled, since that, for slave-holders, especially those who make a profession of

⁵² *The Journal and Letters of Francis Asbury*. Edited by Elmer T. Clark, J. Manning Potts, and Jacob S. Payton 3 vol. (Nashville, 1958), I, 25.

⁵³ *Ibid.*, I, 273-274.

⁵⁴ Nathan Bangs, *The Life of the Rev. Freeborn Garrettson: Compiled from His Printed and Manuscript Journals, and Other Authentic Documents* (New York, 1838), p. 39.

religion.”⁵⁵ This is the attitude which he took with him on his preaching journeys in these three Eastern Shore Counties.

Methodism came to Caroline County earlier than to Dorchester or Talbot. It was probably early in 1775 that a Mr. Ruff, in charge of the Kent Circuit (made up of Kent County, Maryland, and Kent County, Delaware) preached in the neighborhood of Choptank Bridge (now Greensboro). Freeborn Garrettson preached in Tuckahoe Neck a little later. Caroline was set up as a separate circuit in 1778.⁵⁶ Methodism in Talbot County seems to date from 1777 when the Rev. William Walters preached in the barn of Thomas Harrison, between St. Michaels and Wittman. After this two-day meeting seven people were converted and organized into a class. Freeborn Garrettson, in Talbot several times, came first in 1778. Joseph Hartley, who was jailed in Easton for preaching without a license, was here in 1779. Talbot Circuit was set up in 1781.⁵⁷

Freeborn Garrettson was the first Methodist to preach in Dorchester, when he spoke in the home of Henry Airey in 1780. He was then imprisoned in the Cambridge jail for two weeks. Also active here in 1780 were Thomas Chew, Joshua Dudley, and Caleb Peticord, as well as Joseph Everett who arrived on October 1, 1780.⁵⁸ Everett (1732-1809) was born in Queen Anne's County, Maryland, and fought in the Revolutionary War. He was “bitter against the institution of slavery. He would not eat with a slave holder unless he promised to free his slaves.” Yet he was “preeminently successful.”⁵⁹

Methodism swept wildly through the Eastern Shore—drawing many non-church people into it as well as nearly emptying the Anglican (later, Protestant Episcopal) Church after its disestablishment. At the end of 1786 Asbury recorded that “Brother James White says that five hundred souls have joined [the] society in this circuit [Talbot] *this year*.”⁶⁰ Estimates

⁵⁵ *Ibid.*, p. 40.

⁵⁶ E. C. Hallman, *The Garden of Methodism* (no place, no date), p. 282. Bangs, *op. cit.*, pp. 48-49.

⁵⁷ Hallman, *op. cit.*, pp. 336-37; Bangs, *op. cit.*, p. 79; Asbury, *Journal*, I, 313, 316.

⁵⁸ Hallman, *op. cit.*, p. 301; Bangs, *op. cit.*, pp. 100-107.

⁵⁹ Hallman, *op. cit.*, p. 374. Everett served in both Caroline and Dorchester Counties.

⁶⁰ Asbury, *Journal*, I, 526.

which one runs across for the next twenty years are even more surprising.

In spite of the strong feelings of Methodist leaders such as John Wesley, Francis Asbury, Dr. Coke, and Freeborn Garrettson, no action on slavery was taken before the Baltimore Conference of April, 1780. This Conference expressed an anti-slavery position:

Does this Conference acknowledge that slavery is contrary to the laws of God, man, and nature, and hurtful to society; contrary to the dictates of conscience and pure religion, and doing that which we would not others should do to us and ours? Do we pass our disapprobation on all our friends who keep slaves, and advise their freedom? ⁶¹

This 1780 Conference passed Methodism's first written rule on the subject of slaveholding. Travelling preachers who held slaves must set them free.⁶² No rule dealt with individual members at this time. In 1783 local preachers were warned that if they refused to free their slaves they might be suspended. A conference in the spring of 1784 ruled that local preachers who would not free their slaves when they could legally do so were to be suspended. It also reached out to include private members, saying that "if Methodists bought slaves to hold and use, they might be expelled after due warning, and under no circumstances could they be permitted to sell slaves." ⁶³

In 1784 American Methodism began its independent existence when it was organized at the famous Christmas Conference in Baltimore. When it drew up a "Discipline" or rule book, a new rule for church membership was set. Every Methodist slaveholder must sign a legal instrument in which he agreed to liberate his slaves at a time which was dependent upon their ages when the instrument was drawn up. People applying for membership must accept this rule before being received into the church. Methodists were given a year to obey this new rule or to withdraw from the church. This rule quite possibly may have been thrust upon the Conference by Wesley, Coke, As-

⁶¹ Norwood, *op. cit.*, pp. 11-12.

⁶² *Ibid.*, p. 11. See also Dwight W. Culver, *Negro Segregation in the Methodist Church* (New Haven, 1953), p. 45.

⁶³ Norwood, *op. cit.*, p. 12.

bury, and others.⁶⁴ It proved so unpopular and created so much hostility, that it was suspended six months later. For the next ten years practically nothing was done on the matter.

Manumission of slaves by Methodists started several years after the movement first appeared in these three Eastern Shore Counties. James Benson, in Talbot County, freed three slaves on March 6, 1781, and Catharine and Margaret Jenkins each freed one about the end of the year.⁶⁵ Eight Talbot Countians who were probably Methodists freed twenty-two slaves in 1782.⁶⁶ In Caroline County there are several manumissions for 1781 which are probably those of Methodists: Daniel Martindale, Abraham Collins, John Covey, and Matthew Covey. Eight more such documents are recorded in 1782, granting freedom to forty Negroes.⁶⁷ In Dorchester County the earliest Methodist manumission is that in which Thomas Haskins freed one slave on December 2, 1782.⁶⁸ There are no others in Dorchester until 1784. An examination of the land records of these three counties shows one hundred and fourteen slaves in Caroline manumitted between 1783 and 1790, two hundred and seventy-nine in Dorchester, and four hundred and forty-one in Talbot. For the period from 1791 through 1799 Caroline slaves manumitted number two hundred and ninety, in Dorchester four hundred and three, and in Talbot three hundred and six. These figures are for slaves freed by owners who were not Quakers, Nicholites, or Negroes who bought and freed their own wives and children.⁶⁹ These, in all probability, were almost all Methodists.⁷⁰

Most of these manumission records contain some expression of the religious basis for this action. Thomas Haskins in 1782 said "perpetual bondage and slavery is repugnant to the pure precepts of the Gospel of Jesus Christ." Thomas and Mary Bowdle, whose manumissions were witnessed by Freeborn Gar-

⁶⁴ *Ibid.*, pp. 13-16; Matlack, *op. cit.*, pp. 58-59; Culver, *op. cit.*, pp. 45-46.

⁶⁵ Talbot County Land Records, Liber 21, Folios 163, 191. James and Jesse Mullikin, possibly Methodists, freed eleven slaves in 1780.

⁶⁶ *Ibid.*, Liber 21, Folios 214, 215, 216, 220, 248, 292, 298.

⁶⁷ Caroline County Land Records, Liber A, Folios 577, 578, 579, 612, 622, 625.

⁶⁸ Dorchester County Land Records, Liber NH2, Folio 120.

⁶⁹ There are a number of cases of Negroes buying their wives and children and then manumitting them.

⁷⁰ Dorchester Methodists whose names appear frequently as witnesses on these documents are Thomas Hill Airey, Samuel Brown, Moses LeCompte, Nancy LeCompte, Richard Pattison, George Ward, Mary Ward, and Edward White. Freeborn Garrettson's name appears on half a dozen of these.

rettson, believed it was "inconsistent with the principles of Christianity to retain them in bondage." Joseph, Leah, Thomas, and William Withgott felt that "slavery is contrary to the Golden Law of God on which hang all the law and prophets and to the Glorious Revolution that has lately taken place in America." Thomas Hill Airey freed thirty slaves in 1790 because of his belief that "freedom and liberty is the unalienable right and privilege of every person, . . . [the] practice of slavery is repugnant to the pure precepts of the gospel of Jesus Christ, . . . and . . . that if I continued to hold them in bondage I should never be received into that rest that remains for the people of God." Mary Layton was convinced "that all mankind are and ought to be free" and that "no person can be a true and faithful follower of our blessed Saviour who retains and keeps any of the human race a slave.." ⁷¹

There was a revival of the anti-slavery spirit at the Methodist General Conference of 1796 which produced some important rules on slaveholding after nearly a dozen years of silence following the scuttling of the 1784 position. The Methodist Church declared that it was convinced, more than ever, of the great evil of slavery. It ruled that all those who came to have official positions in the church must emancipate their slaves. Any slaveholder who sought membership must be spoken to by the minister about slavery. Members of the church were permitted to buy slaves only on the condition that the slaves and their offspring would be freed after a limited period of service. Slave sellers must be excommunicated. Travelling preachers, where state law permitted, must free their slaves. ⁷²

A number of extracts from the "Journal of the Quarterly Meeting Conference of Dorchester Circuit, Md.," have been preserved in a century old book, *The Impending Crisis of 1860*. ⁷³ The manuscript from which they were taken was missing its opening pages which probably covered the period from 1796 to 1804; the minutes from 1804 to 1829 were still present when the extracts were taken in 1859. They show how the rules of

⁷¹ Dorchester County Land Records, Liber NH2, Folios 120, 281, 282; Liber NH5, Folios 354-57; Liber HD2, Folio 558; Liber HD3, Folio 180.

⁷² Norwood, *op. cit.*, p. 16; Culver, *op. cit.*, p. 46.

⁷³ H. Mattison, *The Impending Crisis of 1860: Or the Present Connection of the Methodist Episcopal Church with Slavery, and Our Duty in Regard to It* (New York, 1859).

1796, supplemented by some acts of the 1800 Conference, were applied in Dorchester County.

The earliest record quoted was from the Quarterly Meeting held March 3, 1804:

Levin Lecompt having purchased a negro girl named Cloe, for which he gave the sum of two hundred dollars, and having submitted the matter to Conference, they thereupon determined that said Levin Lecompt shall make and record a regular manumission for said girl previous to the next Quarterly Meeting, and that he shall be authorized to hold the said girl for the term of twelve years from the first day of January last past. Died.⁷⁴

At the April 6, 1805, proceedings of the Quarterly Conference three cases were handled: ⁷⁵

The case of Joseph Meekins, who has purchased a negro woman and child, was considered. *Resolved*, That the said negro woman shall serve eight years, and the said boy named Ben shall serve until he is twenty-six years old. Expelled for non-compliance.

The case of Samuel Cook, who had purchased a negro woman named Henney, was considered. *Resolved*, That the said woman shall serve fourteen years from the time of her purchase.

The case of Ezekiel Vickars, who had purchased a negro man named Sawney, was considered. *Resolved*, That the said negro man shall serve four years from the time of his purchase.

Almost a year later, at the March 14, 1806 Conference, there were eight cases. Joseph Summers was told to hold a nineteen year old slave and a ten year old boy only until they reached the age of twenty-five when they were to be free. Daniel Martin could keep sixteen year old Ben until he reached twenty-five. Job Wheatley must liberate fourteen year old Rose at the age of twenty-one. Twenty-three year old Moses who had cost Walter Rawleigh £100, must serve ten years from the time he was purchased. Twenty-three year old David was luckier; he had to serve Henry Traverse only *nine* years from the time of purchase (perhaps because the purchase price was only £90 in this case). Fifty year old James Hicks, who cost only ten dollars, was to be freed by Henry Arnett two years after the time of purchase. Levin Saunders could keep a two year old child

⁷⁴ *Ibid.*, p. 25.

⁷⁵ *Ibid.*, pp. 25-26.

named Ritty until she became twenty-one; but his Negro woman Minty who by former manumission had six years and nine months service remaining might be held to serve her full time out. The final case at this Conference was that of Ezekiel Vickers, who had been dealt with a year earlier about another slave. This time he was told that he might retain twenty-one year old James Blake, who had cost £88, "eight years from January last."⁷⁶ On June 20, 1806, it was recorded that "Ez. Vickers, Walter Rawleigh, Job Whitely, Sam. Cook, and James Summers gave satisfactory assurances to the Conference that they had complied with the resolves of last Conference respecting the manumission of their slaves."⁷⁷

In the printed extracts from these old minutes Mattison has recorded twenty-eight cases including the ones which have been quoted or cited above. They show three different ways these 1796 rules were applied in the opening years of the nineteenth century. In 1805 Joseph Meekins was expelled for refusing to agree to free his two recently bought slaves after the suggested period of service. Roger Robertson was "disowned as a member" in 1806 for "selling a negro for life, alleging ignorance of the rules of the Society." And, on August 6, 1814, "On examination, it was found the said Daniel held slaves, and not willing to give assurance of their emancipation, the Conference refused to grant him license."⁷⁸

The last manumission case in this manuscript came on February 16, 1816—in spite of the fact that the Quarterly Conference record extended to May 2, 1829. For the last thirteen years it preserved a profound silence on the subject of slavery. Mattison (in 1859) and Norwood (in 1944) both interpret this to mean that the rules against slavery ceased to be enforced and that the anti-slavery spirit soon waned both within the Methodist Church and outside the Church.⁷⁹ It is true that in the Methodist Church there was a slow but constant weakening of the 1796 and 1800 rules by later General Conferences. The only real step forward taken came in 1816 when the Methodist Church enacted a rule that *in the future* no slaveholder should be admitted to membership. Before long, however, says Norwood, "the Church was . . . able to look without serious protest

⁷⁶ *Ibid.*, pp. 26-27.

⁷⁷ *Ibid.*, p. 27.

⁷⁸ *Ibid.*, pp. 25, 27, 28.

⁷⁹ *Ibid.*, p. 28; Norwood, *op. cit.*, p. 18.

on the presence of slavery—that ‘ execrable sum of all villainies,’ in its midst.”⁸⁰ In 1844 a schism took place in the Methodist Church, largely over the slavery question. A division occurred in The Baltimore Conference. Eastern Shore Methodists, however, belonged to the Philadelphia Conference which did not separate. A few congregations in Caroline, Dorchester, and Talbot did split and the new groups joined the Methodist Episcopal Church, South. The great mass of Methodists, however, remained outside the Southern Methodist movement in this tri-county area.

Manumissions continued to take place in Caroline, Dorchester, and Talbot throughout this whole period, with the greatest number coming between 1800 to 1809. During this time there were one hundred and thirty-one manumission deeds recorded in Caroline County (eighty-two of them for two or more slaves), two hundred and sixty-two in Talbot County (for almost seven hundred slaves), and two hundred and seventy in Dorchester (for five hundred and ninety-eight Negroes). Most of these were Methodists freeing their slaves, although there are also found a few Quakers emancipating inherited slaves and also a growing number of free Negroes manumitting their wives and children whose freedom they had apparently bought. In this ten year period from 1800-1809 many Methodists continued to give immediate freedom, just as the Quakers and Nicholites had done earlier (except in the case of some minors). There was, however, a growing tendency to grant delayed manumission instead of outright or immediate freedom. With the weakening of the Methodist rules on slavery this was to be expected.

From 1810 through 1819 there were seventy-seven deeds of manumission recorded in Caroline County (thirty-four of them for two or more slaves), one hundred and forty-four in Dorchester (freeing three hundred and twenty-five slaves), and two hundred and ten in Talbot (sixty-four for two or more slaves). Most of these were manumitted by Methodists. Again one notes the growing tendency to grant delayed freedom. John Seward in Dorchester manumitted thirty-three slaves in 1817—three of them immediately and thirty of them at different dates which

⁸⁰ Norwood, *op. cit.*, p. 22.

stretch from 1822 to 1846.⁸¹ In this same ten year period the number of Negroes manumitting their wives and/or children continued to increase. One also notes that members of other churches occasionally freed their slaves. Charles Carroll of Carrollton, well-known Western Shore Roman Catholic, manumitted thirty Talbot County slaves in 1816 and 1817. These Negroes, "being part of my slaves settled on Popular Island," were to be free at dates which ranged from 1824 through 1856.⁸²

Manumissions continued to be recorded with some degree of regularity from 1820 until about 1833. Caroline County had eighty-four such deeds recorded (thirty of them for two or more slaves) and Talbot County records contain one hundred eighty-seven (with sixty-nine for two or more Negroes). Dorchester County saw two hundred and ten slaves manumitted from 1820 through 1826 when, for some unknown reasons, manumissions disappear from the county records. A few of these contain references to money being paid to the owner. A larger number cover free Negroes manumitting their wives and/or children (and occasionally grandchildren). The majority of these manumissions, however, bear evidence of having been motivated by religious conviction and are, for the most part, by Methodists (who by this time had come to make up the great majority of the inhabitants of these three counties).

After 1833 emancipation of slaves dropped quite rapidly in this tri-county area. Some years came and went without any deeds of manumission being recorded. From 1833 to 1858 Caroline County records show an average of two such documents per year. Only with the coming of the Civil War does this number increase, with fifty recorded from late 1858 through 1864 (when the adoption of a new State Constitution freed the remaining slaves in the State). Talbot manumissions picked up in 1858 with ten recorded and five in 1859.⁸³ There was a great upsurge in the freeing of slaves in 1860 when one hundred and four were freed (only seven of which were given immediate

⁸¹ Dorchester County Land Records, Liber ER4, Folio 321.

⁸² Talbot County Land Records, Liber 39, Folios 296, 301. This seems rather surprising when one remembers that Charles Carroll expressed abolition views earlier and even offered a bill in the Maryland Senate in the late 1790's to bring about an end to slavery in the State.

⁸³ These last manumissions are in the Talbot County Chattel Records, Libri STH#1, STH#2, and STH#3, located in the Office of the Clerk of the Court.

freedom). 1864, the last year of slavery in Maryland, saw nine liberated in Talbot County. Most of these 1864 manumissions in both Caroline and Talbot were for Negroes who had enlisted in the Northern forces.⁸⁴ Religious influences were not absent in these closing thirty-one years of manumission, but economic and political forces were openly at work side by side with them.

⁸⁴ I wish to express my gratitude to Miss Nellie Marshall of Cambridge for the great amount of work she did in helping me search the local public records of these three counties.

SIDELIGHTS

A VIRGINIAN AND HIS BALTIMORE DIARY:

PART IV

Edited by DOUGLAS H. GORDON

(Continued from vol. LI [Sept. 1956], 236, the diarist is John M. Gordon,
prominent Baltimore banker and attorney)

THE PHILADELPHIA JOURNEY

1835

Thursday 24th Sep. 1835. Arrived here yesterday at three o'clock after a very pleasant sail up the bay and river. Found Dr. C. waiting on the wharf for us. Genrl. Hunter and Mrs. H. and Harry Ingersoll came up with us, likewise James Vass and family on their way emigrating to Mobile. Meyer and Steuart came up to hear Binney's oration. Genrl. H. and Lady arrived at our house on Wednesday to dinner and spent the night with us. We had many calls during the day we left. We found a nice dinner prepared for us at the Dr.'s, rice birds as fat as their skins would hold. In the afternoon Mrs. Read, Miss Sally Waln, Genl. Cad., John Cadwalader, James Biddle¹ and Church came in to see us and we had a very agreeable evening. This morning I went to James Biddle's office to attend to an attachment of Poor and Keyser and Hart and Co. v. James Campbell which I think will secure the claim.

Saturday night Sep. 26th. Went to hear Mr. Binney's² oration on Thursday, on Chief Justice Marshall. Was very much gratified with it, but thought it inferior to what might have been expected from Mr. Binney's high reputation for his classical as well as other attainments. I thought it cold, severe and too abstract in its character. No bold apostrophy. None of that glowing enthusiasm which such a mind as his should have been warmed with at the godlike simplicity of Marshall's character. Webster will write the best eulogy.

Dined on Friday with Com^o Biddle and Genrl: Hunter at Reads. Wallack sat opposite. I was introduced to him and found him agreeable. Went to see him to night in Bertram and found it very stupid. Dined to day with Ingraham present, James Biddle, Jno:

¹ *DAB*, II, 240-241. Com. East India Squadron; Head of Naval Asylum. John Cadwalader, lawyer, jurist (*ibid.* III, 398-399).

² Horace Binney, lawyer, director First Bank of U.S. (1808); diarist speaks of his *Eulogy on the Life and Character of John Marshall* (*ibid.* II, 280-282).

Cad., Nicholson of Navy, Ingersoll³ and Read,—very agreeable party and nice dinner. I like all of the above named persons very much. Read I think has a great deal of merit. Ingersoll is over-rated, but will make a very respectable lawyer. Paid several calls this morning with Genrl. Hunter.

Prejudice is another name for boyishness. Rece^d letters from Wm. K. G., Susan, and Anna Campbell yesterday. Wrote a letter of introduction to Basil B. Gordon this morning for Wadsworth. Sent him a long letter by the mail of 1st.

Monday Sep. 28th. Returned calls yesterday morning and dined with Peters at 4 o'clock. Present—Messrs. Thom. Biddle, Ingersoll, Drayton, Thom. Willing, young Church, Capt. Read and a Mr. Holmes from S. Carolina. I sat by Capt. Read and had a long and agreeable conversation with him on several subjects. I like the Capt. very much. Came home at 7 and found the ladies all at Mrs. Read's. Went round and had a charming evening. Mrs. R.'s house is the most beautiful establishment I ever saw. More luxurious and in better taste, perhaps, than any thing in this country and she is a model of a most accomplished, refined, fascinating, unaffected woman,—a rare combination of merit and modesty. I dine with them to day.

Sunday went to the Quaker meeting and heard a short sermon from an old woman. How impossible it is for youth to conceal itself under an old bonnet or any old style of dress. You are certain to see a pretty little foote and finely turned ankle peering out from a stiff petticoat, a soft flexible neck throwing itself into some gracefull attitude, and the little fidgety hand playing with the glove on its lap. I am fond of Quaker meetings occasionally as affording such fine subjects for the study of character. The old men with the characters of thought so deeply written on their brows and human pride in the vain endeavour to subdue it, shewing itself in some new garb. The concentration and suppression of the passions must make them more burning and violent.

Walked out to the Garden this morning and bought a handsome bunch of flowers for Emily which were sent in my name to E. Read.

Tuesday night—Dined with Capt. Read to day. A most luxurious entertainment and agreeable conversation. Dr. Tidderman of S. C., Mr. Peters, Dr. Randolph, George S. Fisher, Church and Ingersoll were the guests. The dinner reminded me of Glaucus in the last days of Pompeii. Mrs. Read was entirely delightfull. She gave us some sweet music after coffee. Her execution is most brilliant. Called with Genrl. Hunter on my way home on Mr. Carroll, clerk of U. S. Court.

I haven't mentioned Emily's eyes. They were so weak and inflamed on our arrival here that she had to be leeches. 40 were applied to each eye which gave her temporary relief but have not

³ Edward Ingersoll, lawyer, author (*ibid.*, IX, 467).

effected a complete cure. Poor thing she has to keep within doors much to the marring of the pleasure of her visit. Reced: a letter from Susan yesterday, announcing the death of our good old uncle, Dr. Knox, of debility brought on by a chronic infection of the bowels. Requiescat in pace! His existence had become a burden to him from disease and his life was an illustration how talents and education may be perverted and rendered even a misfortune from indecision of character. Fickleness was the rock on which he split.

Wednesday Sep. 30th Rose early. Read Coleridge's table talk. Wrote a letter to Susan.

Friday Octr 2nd. Dined Wednesday at home with Messrs. Thom, Edward and James Biddle, Peters, Dr. Tiddiman, Mr. Wharton and Dr. Harris. We had a very handsome dinner and some agreeable conversation. Was charmed with Dr. Tiddiman, who is a nullifier and brimfull of feeling and generosity. I have always found the Nullifier a gentleman of the first water. *Homon factus* ⁴ *ad unguem*. Capt. Read likewise dined with us. We dined yesterday at Genrl. Cadwalader's, a family dinner, as usual a most beautiful meal. We had a pleasant game of whist after dinner, the Dr. and Genrl. H. against Thom. and me. They beat us. The Dr. is certainly a good whist player. The Genrl: and I sat with Thom smoking segars untill midnight. I took only a part of one which made me deadly sick untill I go in to the fresh air. Wrote to Alexander yesterday. Spent this morning returning calls.

Saturday Octr 3rd. Dined yesterday with Sidney Fisher. A very agreeable party consisting of Peter McCall, Joshua Fisher, Smith, Dr. Mutter and Fisher, Jr. We had an animated conversation and adjourned at 6½. I like McCall very much. Went thence to Mrs. Waln's for Emily. Found Mrs. Read and Petit there. The husbands came in towards the close of the evening. Carter Warmly was there. We plaid whist. I won a pair of gloves from Mrs. Read. Came home at eleven. The Dr. startled me when I came back by telling me that I was expected to speak when Va: is toasted to day at the dinner. Rose early therefore, walked to the Alms House before breakfast and concocted a speech which I have been modelling into sentences this morning. It will be my first effort in public and if I deliver it properly will be not a failure. I feel no alarm or agitation or excitement about it looking at it half an hour off and think I shall get through without any. Genrl and Mrs. Hunter went to New York today. The Dr. has just brought in a beautiful silk for Emily. I am delighted with Mrs. Petit. *She is witty, humourous and refined.*

Sunday Octr. 4th. Went to hear Dr Ducachet preach to day. I like him less each time I hear him. With the reputation of an orator he has not one quality, in my opinion, to constitute him such. His words, in which he displays neither good taste nor dis-

crimination, fall upon my ear like the thumping of a drum as hollow and as windy. His sermon as a composition is as full of false ornament as a sophomore's. A figure of speech is to him a Jack o' the lantern. In whatever direction he may be going, and with any object, whenever one of those foul exhalations arises from the putrefaction of a sickly imagination, he turns aside, and follows it through brake and dell, bog and briars, scratching his hands and face, tearing his clothes, sinking in the mud and leaving his followers to lose their way and flounder into pit falls. He is one of those ministers whose sermons have an unhappy effect on mind and temper. He has a bad countenance, a false voice, an affected manner, none of the modest humility of the Christian gentleman, and as to vanity he might bestride the gossamer and yet not sink. I may be uncharitable or mistaken. But does not religion always make one a gentleman, especially a teacher of it.

I dined yesterday at Heads with Dr. Patterson and a large party of gentlemen. The dinner was given to the Dr. on the occasion of his return from Va. to live in Pha. There were about fifty persons present, chiefly members of the Philosophical Society. Mr. Duponceau presided, assisted by Dr. Chapman. Dunlap, Dr. Mutter, Kane, Dr. Tiddiman of S. C., Coln. Drayton of do now of Pha.; Mr. Thom. Biddle and some others of my acquaintances were there.

After Duponceau had toasted Dr. Paterson, to which he replied very handsomely, Dr. Chapman followed in a short speech and toasted the University of Va: Whereupon I made a few remarks as follows:

I perceive, Mr. President, that the absence of a more worthy and proper representative of the state Va: has devolved upon myself the agreeable task of responding to the sentiment, which has just been uttered in compliment to her university at Charlottesville. For although my allegiance and home have been transferred to an adjoining state, yet I hold it to be the duty as well as the privilege of every true son of the Old Dominion, as it is my pleasure, on the present occasion, not to suffer a compliment to my native state to pass by, without expressing for her her deep sense of the high tributes of admiration and affection which have been offered to me, of her literary institutions. The State of Va.; Sir, always ready to open her arms to the sons of her ancient Friend, Pennsylvania, considered herself peculiarly fortunate in having secured for her darling university (the last, best gift of Thomas Jefferson to his countrymen) as one of its professors, the services of your distinguished fellow citizen, whom, we have this day met, to wellcome back among you. It was of the last importance to that Institution, thus to have enjoyed during the precarious period of its infancy, the fostering care of one, whose rare intellectual and moral endowments no less beautifully adorned the paths of private life, than they happily illustrated the principles of that science which he had it in charge to expound. His adopted Mother had indulged the hope that having thus become, he was ever to remain

one of her children. She considered him but a fair equivalent for those sons (meaning Drs. Chapman and Horner) whom with an impoverishing liberality she had bestowed upon your university, and, whose felicity it has been, in returning annually to their native state a number of her youth instructed in the art which restores health to the sick, *to realize the beautiful story* of the Roman Daughter in giving back life to the parent from whom it was derived! But in this fond hope she was doomed to be disappointed. After a brilliant career of some six years, having succeeded with the other illustrious guardians of the University,—in conducting it safely through the perils of its infancy and in establishing it on an enduring foundation, when, as your fellow citizen has so touchingly told you, the still small voice of nature rose within him, and his heart yearned towards his native city, Va.; then, remembering that there is no place like home, grateful for his past services, subdued every selfish consideration and now restore him back to you, for a continued career of usefulness and distinction, reserving only to herself one precious hostage (meaning his daughter) as a pledge of his affectionate remembrance. Gentlemen the compliment which has been offered to Va: is peculiarly gratifying to her feelings, considered in reference to the source from which it comes. What City is more distinguished than yours for the liberality of the public institutions and the intelligence of its inhabitants. What place more endeared to the hearts of Virginians from the remembrance of ancient Friendships, from generous pride in the noble achievements of our ancestors in the halls of independence and in the common Battle fields of a common cause. It is consecrated as the spot which closed the career of her Randolph and it is hallowed in her affections as the scene where the last sad offices of humanity were paid to the mortal part of her beloved Marshall!

Quis desiderio sit pudor aut modus tam Cari capitis—

Cui Pudor, et justitiae soror

incorrupta fides, nudaque veritas

Quando ullum invenient parem?

Allow me, Sir, to offer you a sentiment. ⁴

The City of Pha:, alike distinguished by the liberality of its public institutions and the elegant hospitality of its inhabitants.

Quite a pretty little speech that! It was delivered and brought down upon me a shower of compliments.

Monday Oct. 5th. Dined yesterday at Wharton's with Wadsworth. A family dinner. Emily dined with her friend Mrs. Thom. Wharton. She was to go to the dentist this morning but the death of his mother disappoints her, so I fear her teeth must trouble her all the winter.

Called yesterday to congratulate James Biddle on the birth of his

⁴ Horace, *Satires* I, V, 32.

son. Mr. Duponceau, the president of the dinner gave some funny speeches. The old Gentleman committed the ludicrous mistake of drinking his own health when he was toasted. Kane, Tiddiman, Drayton, Dunlap and others made very pretty speeches, but none of them I thought so happily turned as mine. Paid some calls this morning and wrote down my dinner speech. I dine to day with Mr. Edward Biddle.

Wednesday, Octr. 7th. Monday dined at Edward Biddle's with James B. and Dunlap. We had a very nice meal and an agreeable afternoon. Read Cicero's letters and went to bed early. I have only read his letters passim. I must take them up and read them regularly through. Dined yesterday at home the first time since the day of our arrival. In the evening went in with the Dr. to Old Mr. Robinson's and had a pleasant game of whist. Went to day with Emily to get her teeth fixed, which I am happy to say are now in fine order. We dine to day with Mrs. Fisher, Joshua's Mother, and spend the evening with Mrs. Hayne of S. C. at Mrs. Capt. Read's. We go down tomorrow. [To Baltimore]

⁶ These are a combination of lines 1 and 6-8 of Horace *Odes* I, 24.

REVIEWS OF RECENT BOOKS

Charleston's Sons of Liberty: A Study of the Artisans, 1763-1789.

By RICHARD WALSH. Columbia: University of South Carolina Press, 1959. xii, 166. \$4.25.

While the broad outlines of our Revolutionary history have now been well documented and judiciously interpreted, the role of class, caste, and region in that conflict still remains to be spelled out. Dr. Walsh's study of revolutionary ferment in Charleston helps fill this void, and proves to be a significant contribution to the history of the Southern artisan class.

We have long known a good deal about the merchants of Charleston, more recently from Leila Sellers' investigation, and we have had fragmentary knowledge of the role of labor, chiefly drawn from Yates Snowden's useful article written many years ago, but, save for Christopher Gadsden and possibly Peter Timothy, the composition of the radical party of Charleston has remained obscure. Dr. Walsh throws the spotlight on the artisan class, on the one hand engaged in a struggle against Negro slave competition, on the other squeezed by imports of British manufactured goods. What forged the alliance between mechanics and planters, according to the author, was their mutual acceptance of the need for a cheap currency, which the creditor merchant class opposed. Names like the Fellowship Society and the John Wilkes Club spearheaded the mechanics' organization for political as well as economic action. Men like Edward Weyman the cabinetmaker and William Johnson the blacksmith were their leaders. Christopher Gadsden, the wealthy merchant, was their spokesman until he broke with this group in 1778 over the issue of extending the time limit for taking the oath of loyalty.

In reading this volume one must avoid the danger of oversimplified generalizations about the artisan class, first as to their politics, and second as to their composition. Many mechanics were Loyalists, and either left the province at the start of the Revolution or made their peace with the British government after the occupation of the city by the Red Coats. Indeed, the list of the "Friends of Government" contained an impressive number of artisans. Some one hun-

dred mechanics, as Dr. Walsh points out, petitioned the British occupation government to bar Patriot prisoners on parole from carrying on their trades and occupations. We only wish it had been possible for the author to give us an estimate of what percentage of the total membership of the artisan class was initially or later turned Tory.

Furthermore, it should be borne in mind that the mechanics and artisans who are treated in this book are master mechanics, employers of labor. Their combinations, noteworthy in the 1780's, were employer combinations for monopolistic purposes, not trade unions. It was the fashion in Revolutionary times for the "honest mechanic" to pose as a "workingman." In some cases he did work with his hands, but in point of fact he was a small capitalist, perhaps one notch in the social scale below the merchant. He was not a journeyman, although the line was obviously fluid.

Dr. Walsh's analysis of artisan trends in the Confederation period is both incisive and informative. Planters and mechanics, he shows, soon divided over such issues as wage-fixing and the importation of foreign artisans, both of which the countryside favored. Moreover, Gadsden continued to antagonize the radical mechanics by advocating the conciliatory treatment of the Tories. The defeat of the radicals in 1784, in part the result of permitting Tories to participate in the election, highlights the split which had long been developing in the mechanics' party. Once the state fell into the grip of the depression, starting after 1785, merchants and mechanics agreed on a program to broaden trade, seek new money crops, and inflate the currency, and this program secured the grudging approval of the planters. The seriousness of the depression is borne out by Dr. Walsh's chart showing employment trends, 1765-90, with the dip not seriously arrested until 1789, and employment dramatically rising in 1790. Of unusual value also is Dr. Walsh's supplemental table of daily wages, 1710-83, gleaned from the records of the court of common pleas and other miscellaneous sources.

Dr. Walsh finds, as one might expect, that the artisans strongly favored the Federal Constitution because they wanted a tariff which would protect them against foreign dumping. He would find this to be true in all other important urban centers in 1787-88. The town working class everywhere enthusiastically supported the Constitution. The mechanics, so influential in the Revolutionary generation, were a negligible factor in ante-bellum South Carolina. Already slave owners, they invested in land, and they or their progeny became planters, which offered greater prestige and apparently quicker profits. Whether or not slave competition drove the

mechanics out of the trades prior to 1789—and Dr. Walsh's evidence would show that it had not—there is no doubt that a free artisan class could not flourish under an expanding slave system. All these different facets of a problem, hitherto understood in the vaguest way, are treated in this intensely interesting book, which will repay reading by all students of the Revolutionary generation.

RICHARD B. MORRIS

Columbia University

Maryland in the Civil War. By HAROLD R. MANAKEE. Baltimore: Maryland Historical Society, 1961. 173. \$4.50.

Maryland in the Civil War is a small book, but should prove of great value and interest to the general reader and any wanting a handbook for ready reference. In ten chapters beginning with the John Brown Raid and ending with the assassination of President Lincoln the author tells much of the story of the impact of the war in Maryland. To these ten are added chapters on the Maryland Units in The War and Marylanders of Flag or General Rank.

If one is seeking a military account of the war, he will be disappointed for this book is limited chiefly to the war in Maryland and only one chapter is devoted to military engagements. If on the other hand the reader is concerned with the feelings of the man on the street and restrictions forced upon him by a coercive power determined to keep him and the state in line, he will be pleasantly rewarded. A chapter of three pages recounts the birth of James Ryder Randall's "Maryland, My Maryland" and efforts to fit it with a proper tune. A longer chapter tells something of prison life in Point Lookout and Fort McHenry. Some may not know that Point Lookout was among the largest of Union prisons for Confederates. Fort McHenry made famous by Francis Scott Key in 1814 received new fame of a sort in 1861 because of the detention there of civilian prisoners. Among these were a son-in-law and grandson of Francis Scott Key.

Ten maps and thirty-odd pictures—some not often seen by this reviewer—lend clarity and interest.

The text is superior to the index. Some may wish that names were fuller either in the text or index. In the index there are seven references to Gen. Jubal A. Early, but neither here nor on the pages cited can one learn his middle name or initial. The following are referred to three or more times each in the text but are not

shown in the index: Richard S. Ewell, Nathaniel P. Banks, Phillip H. Sheridan, David Hunter and Joseph E. Johnston.

One error of long standing is found on p. 148 in the omission of the final letter in Merrimack. One may possibly wish the surrender of Joseph E. Johnston had been reported April 26th at the Bennet house between Durham and Hillsboro rather than in May near Greensboro, N. C. This reviewer believes the action shown in the sketch of Confederates in New Windsor was done by Frederick Dielman after the Gilmore raid in 1864.

One may hope that wide response to this book will quickly cause a second printing thus affording the author opportunity to make corrections and increase the usefulness of *Maryland in the Civil War*.

THEODORE M. WHITFIELD

Western Maryland College

Pioneer: A History of the Johns Hopkins University, 1874-1889.

By HUGH HAWKINS. Ithaca: Cornell University Press, 1960. xiv, 368. \$6.50.

The pioneering of the Johns Hopkins University is one of the most important events in Maryland's history, and one of the most important events in the intellectual and educational history of the United States as well. Professor Hugh Hawkins is not concerned with the place of the University in Maryland's history, and he is not concerned with the story of founders and finances and buildings and administration. All that has been done recently in an adequate book by John C. French. Instead, Professor Hawkins is concerned with the new intellectual disciplines which emerged under great teachers like C. S. Pierce, Herbert Baxter Adams, Richard T. Ely and Ira Remsen, and with the ideas which percolated among that astonishing galaxy of students which included Woodrow Wilson, John Dewey, Frederick Jackson Turner, Josiah Royce and Thorstein Veblen.

The Hopkins University was devoted to a new principle in American education. Relatively unconcerned with traditional collegiate training in a fixed body of knowledge, it created a home for a corps of professors and graduate students devoted to expanding the boundaries of knowledge. The radical new aim of education required radical new approaches: academic freedom, the almost complete absence of student rules and discipline, graduate fellowships, specialization, electives, the equality of science and modern

languages with the classics, an intimate tie with the universities of Europe, and above all a unique enthusiasm for learning for its own sake.

The new approach to education was wonderfully successful. In this rarefied atmosphere the ideas of Darwinism, pragmatism, natural law, socialism and capitalism clashed violently. And while the innocent Baltimoreans wondered what possible practical result could ever come from the endless talk and tinkering inside the ugly little buildings, the professors were quietly revolutionizing the values and morals and government and technology of the entire world. As an educational institution Hopkins lost its eminence by 1889, but only because a score of other institutions were now dominated by its students and had accepted its methods.

Professor Hawkins' scholarship is beautiful, his style is clear, his ideas are exciting, and the work has perspective and breadth. He avoids the easy pitfall of memorializing "the first real university," and has done infinitely more by tracing the emergence of "the university idea" as Hopkins symbolized it. He examines the significance and meaning of such concepts as specialization and academic freedom. He shows, for example, how Hopkins signalized the emergence of a new American profession, that of the university professor, and how this meant not only the ivory tower of scholarship, but also the publish-or-perish self-advertisement of business.

The study began as a Hopkins dissertation, and some of that is still evident, both in its faults as well as its virtues. Occasionally the author is too close to his subject and becomes bogged down in the promotions or resignations of assistant professors. He is sometimes inclined to relate the great intellectual currents of the times to Hopkins, rather than to relate Hopkins to the currents of the times. And occasionally there is a needless repetition and division of material, as when he considers the intellectual tone of the University (Chapter XVI) apart from the emerging disciplines (Chapters VI-XI). In summary, however, this is a monograph in the finest Hopkins tradition—and that says a lot for Professor Hawkins and a lot for a great University.

GEORGE H. CALLCOTT

University of Maryland

My Partner, the River: The White Pine Story on the Susquehanna.

By R. DUDLEY TONKIN. Pittsburgh: University of Pittsburgh Press, 1958. 276. \$6.

To one who has recently crossed the Susquehanna at Conowingo or driven next to the languid, rail-flanked river on US 15 at Williamsport, it is something of a jolt to open R. Dudley Tonkin's *My Partner, the River* and read of bearded timbermen rafting down to Port Deposit, of Spar kings, splashes, and logging wars. One of the last participants in an often overlooked sector of the post Civil War boom, Mr. Tonkin painstakingly chronicles a colorful era and a vigorous industry that formed an integral part of Maryland shipbuilding.

As the title indicates, the author writes of his river-partner and the timbermen with affection and admiration. Tracing the over fifty years of volume logging on the Susquehanna through 1901, Mr. Tonkin moves at a slow, winding, almost circuitous pace, using a wealth of anecdotal material to detail logging and rafting techniques and business arrangements. The study describes the influx of pioneers and down easters to the pine and oak country of the river. Particularly prominent is the description of the activities of John Patchin, the "Spar King," one of the early men to buy up stands of pine, sensing that time would increase the value of the timber. Indicating the shrewd business sense of this down easter, Tonkin describes a father-son transaction. The elder Patchin instructed his son, Horace: "Go to Clearfield and buy the Beaver Run Tract, buy it before the sun sets." Horace went thirty-five miles down river, bought it, and returned the next day with the news that he had made the purchase. Only later did the Spar King find out that the son had bought the tract in his own name. A sharp trader himself, the elder Patchin was pleased.

Early activity on the river was dominated by the rafters who floated spar and mast timber down river. One of these, John Chase, rode his pine spars from the Susquehanna through the Chesapeake and Delaware Canal and the Raritan Canal to New York Bay, saw it towed around Cape Cod to Boston to compete in that market with Maine pine. Tonkin indicates that the three month operation invariably brought in a profit. By the late 1840's the rafters were joined by the loggers and the river was rimmed with booms and larger sawmills. A war ensued between the timbermen. The rafters claimed that loose logs were a hazard and drove iron into the logs to break sawmill blades and discourage competition. A tense situation exploded into gunfire and a court fight.

Eventually, the rivalry led to log peeling, an improvement inadvertently pointed out by the rafters.

The bustle of logging camps, the building of slides, the work of horse and oxen teams drawing logs over Pennsylvania snow, the excitement of carefully timed splashes, the cries of "She hauls!" ending a jam, the hard decisions and skill in estimating the worth of a tree and the method of cutting the great spars on Crest Creek are fully drawn. The technical detail, copies of charters and contracts, the helpful appendices listing 327 rafting points and 409 Susquehanna logging pilots, and the apt use of the author's own experience provide a needed history of a vital era of the river.

DOROTHY M. BROWN

College of Notre Dame of Maryland

Pelts and Palisades: The Story of Fur and the Rivalry for Pelts in Early America. By NATHANIEL C. HALE. Richmond: The Dietz Press, 1959. x, 219. \$4.75.

Colonel Nathaniel Hale has done it again. About his *Virginia Venturer* (1951) most reviewers were fairly enraptured: "vivid, informative, and interesting," "a clear and factual account," "a splendid history of the time," "a remarkable job of research," and many other encomiums, with only occasional faint praise, such as: "Mr. Hale writes well," or "a clear presentation." In *Pelts and Palisades* he again uses fur as the motivating force that drove adventurers up the new-found rivers, over the indefinite valleys and deep into the unknown interior—to the Mississippi and the far side of the Great Lakes—especially after they were unable to find a northwestern passage to Cathay, or gold and silver in the newly-discovered hills.

Hale somewhat details the explorations and settlements of the French, Dutch, Swedes, and English in the New World with, always, the Spanish silver-laden ships and southward settlements in the background. But it is the *find* of "golden fleece" (pelts) that predominates both in the survival of the early settlers and traders, and the English settlements (treated chronologically) out of which America arose. He tells succinctly the story of the fur trade as it developed in the Chesapeake Bay system, the planting of a settlement on Kent Island and the peltry forces that aggravated the situation when, later on, Lord Baltimore settled and started, through Captain Henry Fleet, to take over the rich trade with the Indians.

Here it could be said "as always in the past, fur was a symbol of power and prestige."

The text shows great understanding and is the product of engaging skill. It makes the history of exploring, adventuring and pioneering in North America fairly bristle and glow, though it appears to oversimplify a bit objectives and motives. Source materials are used extensively, though detailed documentation needed for the convenience of the scholar to check evidence is not given. Rather, there is a comprehensive bibliography. And, incidentally, little is said about the palisades, their history, size structure, variations and effectiveness, although they constitute one-half of the title and their presence oft is mentioned.

Probably because the settler had become trapper and Indian trading far less important, a highly noteworthy person and event were not treated. The intrepid pelt seeker, Alexander Mackenzie, crossed the Rockies and, some time before the Lewis and Clark expedition, became the first to "conquer the continent," journeying by foot, horse and canoe from the Atlantic to the Pacific. Earlier this Scotsman broadly explored northern Canada where he found fur-bearers in abundance and of high quality. His northern venture has been memorialized in the District of Mackenzie, the big Mackenzie Mountains, and the great Mackenzie River. That his transcontinental *first* is memorialized only by a bronze plaque set in a small monument at the Pacific end of his trail might well have been fine but generally unknown factual information to blend into Colonel Hale's vivid story of *Pelts and Palisades*.

R. V. TRUITT

Stevensville, Md.

The Jesuit Missions of St. Mary's County, Maryland. By EDWIN WARFIELD BIETZELL. n. p., 1960. 320. \$7.50.

In 1634, when Lord Baltimore landed in what is now St. Mary's County, he brought with him Father Andrew White, S. J., a prominent English Jesuit, and several companions.

From that time until now—a period of 327 years—the Jesuit Fathers have played a prominent part in the religious history of Maryland. The story of their 327 years in St. Mary's County has been written by Mr. Bietzell with great devotion and care, and is a thoroughly interesting account of the heroic labors of the Society of Jesus in this small area during this long period of time.

Soon after the landing in St. Mary's City, Father White and his fellow Jesuits, in addition to caring for the spiritual needs of the colonists, worked with great zeal for the evangelization of the Indians.

At first, their task was made easier by the patronage of Lord Baltimore and the religious toleration that he established in the colony, and many missions were established.

In 1689, at the time of the Proestant Revolt, the Fathers were severely persecuted, and their churches and schools confiscated. From then until 1760, they worked under great hardship and misunderstanding to administer to the Catholic population under their care.

Scarcely had the persecutions ceased when a new trial confronted the Fathers, with the suppression of the Society of Jesus in 1773 by Pope Clement XIV. For the next 25 years, the Fathers continued their work with great difficulty under the direction of the Vicar Apostolic of London.

From the date of the restoration of the Society in 1814 until the present day, the work of the Jesuits in St. Mary's County has been somewhat easier. It is a long record of zealous and apostolic work and steady growth, until today St. Mary's County is the most Catholic county in the United States, settled by English-speaking people, with over 11,000 Catholics out of a population of 14,000.

Particular mention should be made of the very successful missions established during this period, both before and after the Civil War, for the Negro population of the county.

This book, written as it is with great devotion and after painstaking research, is a most readable and interesting account of a very important phase of the religious history of this country.

REV. THOMAS A. WHELAN

Baltimore, Md.

Parishes of the Diocese of Maryland. By NELSON W. RIGHTMYER, Reisterstown, Md. 1960. 47 pages and 33 looseleaf maps. \$3.

Among the first Acts of the Maryland Assembly of 1692 was one for the establishment in Maryland of the "Church of England as by law established" in the Mother Country. Provision was made for laying out parishes, for the yearly collection of forty pounds of tobacco per taxable, for the election of vestrymen and for the erection of churches. The ten counties were divided into thirty parishes.

The word parish here meant a more or less convenient geographical area of spiritual responsibility which had a population sufficient to support a church and minister. Its boundaries were usually markers on the natural terrain such as bays, rivers and streams.

Dr. Rightmyer, who is historiographer of the Diocese of Maryland, has adequately described the parishes of 1692 with the subsequent growth and changes. His booklet, fully illustrated with maps and of interest to antiquarians, was made for the very practical purpose of supplying a basis for much-needed rearrangement of parish lines to fit the present use of the Episcopal Church.

GEORGE B. SCRIVEN

Baltimore, Md.

The Scholar Adventurers. By RICHARD D. ALTICK. New York: The Macmillan Company, 1960. viii, 338. \$1.45.

This book was published first in 1950, but not being reviewed in the *Maryland Historical Magazine* may have escaped these readers' attention. Now it appears as a paperback and a really good opportunity knocks again.

The thing is that *The Scholar Adventurers* is our kind of book; it is about the joys and perils and complications and excitements of scholarly research. Especially it is about the fascinating people, both quick and dead, that research students meet. Mr. Altick's "adventurers" are not, true, our branch of historians; they are English professors and the like who are preoccupied with such problems as Wordsworth's illegitimate child, what Burns died of if not alcoholism, and who Thomas Malory really was. We would rather know how William Parks's father made his living, who built the old Slicer House in Annapolis, and much more about Onorio Razolini. Also, comparatively few of us are professional researchers. But our problems and procedures are just the same, and Mr. Altick says for us all the things we wish we could say as well.

Delightfully written, and quite as exciting as any of Henry Gamadge's cases, *The Scholar Adventurers* is instruction nevertheless, precept and example. Four chapters, The Unsung Scholar, Hunting for Manuscripts, The Scholar and the Scientist, and The Destructive Elements, particularly help us. And we need, perhaps, to read Hunting for Manuscripts twice.

Of our two most requisite traits, Mr. Altick says (he has already discussed hard work and pure fool luck), "One is the simple quality of patience"; the other, "implied in all I have said," is

the ability to talk the birds out of the trees. It may not be scholarly, but after finishing *The Scholar Adventurers*, we may look back on some of our research failures and begin on Dale Carnegie.

ELLEN HART SMITH

Owensboro, Ky.

The Szolds of Lombard Street: A Baltimore Family, 1859-1909. By ALEXANDRA LEE LEVIN. Philadelphia: The Jewish Publication Society of America, 1960. viii, 418. \$5.

Between 1860 and 1920 something like 150,000 Europeans took up residence in Baltimore. By the latter date a little more than one third of the whole population of the city was either foreign born or had foreign born parents. It is impossible to understand the history of Baltimore without an appreciation of this recent migration from overseas, but very little research has been done on the subject, and less has been published. Alexandra Lee Levin has made a pioneer contribution to our knowledge of the late 19th century immigrant family in Baltimore, which is to say, the recent history of our city.

The subtitle of *The Szolds of Lombard Street* is meaningful, "A Baltimore Family, 1859-1909." Rabbi Benjamin Szold came to the city from Austria in 1859 with his bride, Sophie Schaar. The learned Dr. Szold ministered to the Oheb Shalom congregation for thirty-two years and achieved more than local fame for his piety and humanity. His sermons and writings were admired by people of all faiths, and he was regarded as a leading authority on the Old Testament. His eldest daughter, Henrietta, was one of the greatest women ever born in Baltimore. Linguist, scholar and teacher, her selfless devotion to the highest ideals of humanity was coupled with a legendary capacity for organization and administration. She founded the Hadassah, the Jewish women's Zionist organization. In 1920 at the age of sixty, she went to Palestine to help administer the Hadassah medical mission, and became heavily involved in religious, educational and social projects. In 1933, now seventy-three years old, she founded the Youth Aliyah, an organization for rescuing Jewish youngsters from the terrors of Nazism, and worked incessantly at the tremendous problems of their settlement in Palestine, their welfare and their education. Her great cause was youth, and her final achievement at the age of eighty-one was the founding of the Child and Youth Welfare Foundation in Palestine. Few

women, and indeed few men, have served humanity better than Henrietta Szold of Baltimore.

This book is intended to give meaning to her later accomplishments in terms of her youth, education and the influence of her family and city. We see her as the companion and amanuensis of Rabbi Szold, a teacher at the Misses Adams' school for young ladies, an enthusiastic amateur botanist, founder of a school for teaching English to Russian immigrants, a vigorous and articulate feminist, and finally, secretary of the Jewish Publication Society. We see her also as the eldest of five lively sisters involved in a variety of family complications and social life. The story is told largely from the personal correspondence of the Szold family and its friends.

The book was also intended to picture the process by which the European immigrant of the last half of the 19th century found his place in our society. A well-meaning but patronizing phrase, "the melting pot," has been applied to this process, implying a boiling down of values to some common denominator. The story of the Szold family corrects this stereotype. Benjamin and Sophie Szold added new dimensions to Baltimore's culture. The children drew strength from their parents' convictions, and knowledge and experience from the Baltimore environment. Out of this combination they welded characters of their own which in turn influenced the social environment. For those of intelligence and good will there was no melting into the common pot, but a higher synthesis which rewarded the community which had accepted them by improving it.

Miss Levin has met her dual obligation with humility and considerable literary skill. Her technique is that of the novelist, using excerpts from letters, reporting imaginary conversation and thoughts, and writing in the active tenses. She intrudes her own comments very seldom. The Szolds were indefatigable correspondents, and wrote with style, liveliness and at length. The author states that "a large wooden chest" of letters was her principal source. The historian wishes that she had supplied citations or at least a descriptive bibliography.

The book rings true, but the scale of tonal values is limited. We learn as much about the Szolds as can be expected from the letters of an educated and vivacious, but well-mannered family. There is much comedy and some tragedy, but no acrimony or violence and little disillusionment. The social historian would like to know if the Szolds ever felt snubbed or cheated, if they had enemies and how they regarded them. There are large areas of emotion not represented here. Perhaps the material does not supply the evi-

dence. We can at least thank Miss Levin for avoiding the fashionable psychoanalytic approach to biography.

It is more disappointing that neither politics nor religion play much part in the story. Rabbi Szold was an important figure in Jewish religious controversy at the time, and Henrietta gained her first renown as a writer and lecturer on the subject, but little of the substance of these conflicts is discussed. We do not even know if the Rabbi voted, let alone his views on the major political issues of the time. Henrietta certainly had strong feelings on social and political matters at a later date, but nothing in this book shows her early attitudes.

Nevertheless, this is a warm and ingratiating book. It supplements the two major biographies of Henrietta Szold by Marvin Lowenthal (1942) and Rose Zeitlin (1952) which are principally concerned with her Zionist work. It is also the only full-length book on a Baltimore immigrant family of the period, and I hope it will encourage others to work in this significant field.

WILBUR H. HUNTER, JR.

The Peale Museum

Edward Randolph and the American Colonies, 1676-1703. By MICHAEL GARIBALDI HALL. Chapel Hill: University of North Carolina Press, 1960. xl, 241. \$5.

This significant study is deserving of careful attention from all of those, specialists and laymen alike, who seek to understand the true nature of the American colonial period; and the author is to be complimented for his diligent research, as well as for a most penetrating analysis of what may be appropriately termed 'the middle period' in our colonial story. Mr. Hall's book has been published for the Institute of American History and Culture, Williamsburg, Virginia, with the assistance of a grant from the Lilly Endowment, Incorporated.

From the date of Edward Randolph's first appearance in America in the year 1676, in the relatively innocuous role of a royal courier, it became immediately apparent that here was a man to reckon with,—in fact such an individual as the colonists had seldom, if ever before, encountered. They soon were to discover, moreover, that this visitor from London, despite unimpressive physical equipment and completely rude manners, possessed a boundless energy and courage, as well as an uncanny skill in collecting and sifting facts. These qualities, coupled with a selfless devotion to duty and an

unimpeachable personal life, served to make him a formidable antagonist of colonial governments and their officials.

Colonies, in Randolph's opinion, must never be allowed to operate as they pleased, but always subservient to, and in the interests of, the mother country. For, only in this relationship could a strong empire be created; and that was the paramount objective, he believed. It is, therefore, no accident of history that 'royal colonies,' in this period, tended to displace those of other classifications in the British imperial system. The precedent,—if one was needed for development of royal colonies had, in fact, long since been provided, in the case of Virginia, in 1624.

So it was that Randolph, even during his first short visit to Massachusetts, began energetically to ferret out evidence of irregularity and misconduct, no matter how trivial, thus affording a basis for putting the colony on the defensive and enabling the home government to offer some measure of justification for curtailing colonial autonomy and independence, whether for alleged violation of the provisions of its charter, or otherwise. Because the Puritan leaders of the Bay colony had gone far in acting according to their own judgment of rights and privileges, and because, too, many loose practices had crept in, it was not very difficult to discover grounds for a bill of indictment. Particularly, Randolph struck at the fundamental proposition that "the colonists had 'formed themselves into a Common Wealth,' a term understandably obnoxious to the court party," according to Hall.

It took considerable time, in this instance, to break the back of colonial resistance, and even more to acquaint London with the true nature of the situation, in order to persuade it to act firmly; but Randolph characteristically maintained an unrelenting pressure throughout the battle. In due course, therefore, proud Massachusetts Bay was forced to send emissaries to London to deal with his charges,—an act which was itself an admission that the colony was answerable to the royal authority. If the colonial leaders expected to escape with a light reprimand and thereafter to continue as they pleased, they were doomed to severe disappointment. For their enemy did not cease his attack until the colony had been brought, first, under the 'Dominion of New England,' and then, subsequently, within the royal colony of Massachusetts.

The indefatigability of this man—possibly his chief asset—was never more in evidence than when he was traveling, as he appeared almost incessantly to be doing, by land and by sea. Systematically he covered every part of the Atlantic seaboard and a goodly portion of the Caribbean, interspersed with numerous crossings and re-

crossings of the tedious and perilous water routes from the homeland to the new world. The result was that practically all of the American colonies came under his close personal scrutiny. Always, too, he was gleaning facts which would serve to make him the master of the situation and enable him to realize his objectives. Colonial edifices time after time toppled in the wake of his investigations, because usually, when he had finished with them, his knowledge about colonial matters was greater than even that of the colonists themselves.

Tirelessly thorough though he undoubtedly was, Randolph, when the occasion required, could move alertly and often with unexpected speed. His experiences in the Calvert colony of Maryland are an illustration in point. There, internal revolution in 1689, coupled with constitutional changes and the demise of the Stuart line at home, abruptly terminated the political independence of the proprietor and produced another royal colony, as well as the Anglican establishment. In the midst of these developments, as might be expected, the guiding hand of the Crown servant soon began to show, where, in the decade of the 1690's, he succeeded, notwithstanding all of his other burdens and responsibilities, in establishing himself in the powerful colonial council, close to the ear of the royal governor. Sir Lionel Copley, whom he hated and despised "as dishonest, corpulent, and sottish," soon died. With Sir Francis Nicholson, however, who succeeded Copley after a short interval, our testy Londoner became very influential indeed, as well as with Sir Edmund Andros and Sir Thomas Lawrence, both of whom figured prominently in the affairs of Maryland in this period. Each of these royal officials—including even Copley—was inclined to give Randolph a free rein, recognizing his "office of deputy auditor of crown revenues"; and the fact that there were others, less inclined, appeared not to make the slightest difference to him.

It is, perhaps, in keeping with the career of this tough and much feared customs officer, who eventually became surveyor general in North America, that, despite his loyal, effective and devoted service, he was destined to die a rejected, lonely, and broken man,—dismissed finally from the very position which he had so ably filled, by an ungrateful government. The truth remains, nonetheless, that no one in his day so completely controlled and dominated the American colonies as did Edward Randolph, or wrought more profound changes in the structure of colonial life. Because the author, through study of this man, has contributed to bringing into sharper focus the 'middle period' of colonial history,—a span of years that had so vital a part in shaping conditions leading to the

American Revolution, his efforts are worthy of our grateful commendation.

VERNE E. CHATELAIN

University of Maryland

The British Isles and the American Colonies: The Southern Plantations, 1748-1754. By LAWRENCE HENRY GIPSON. New York: Alfred A. Knopf, Revised Edition, 1960. xxxvi, 290. \$8.50.

Originally published in 1936, this work now appears, after thorough revision, as Volume II in the series entitled *The British Empire before the American Revolution*. The original volume was highly praised by reviewers. The present edition has the additional value of indicating considerable source material which was not available at the earlier date; this is especially noteworthy in the part concerning Africa.

The author devotes most attention to conditions in Virginia during the period under review, and after a corresponding survey of the position of Maryland, he presents a detailed analysis of the problems involved in their growth and export of tobacco. It is interesting to note that Professor Gipson has added the following judgments with reference to Maryland, in his new edition: ". . . its uniqueness among the southern colonies in 1750 rests on the fact it had acquired the dubious distinction of being the chief receptacle for those Englishmen transported to America as a penalty for criminal acts. Also, of all the colonies planted by the English in the New World in the seventeenth century, none had departed more fundamentally from one of the chief purposes of its founders than had Maryland."

After a comparison of conditions in the two Carolinas and in Georgia, the island colonies (including the Bermudas and the Bahamas) are examined at considerable length. In the light of present efforts to create a more comprehensive federation in the West Indies, this section has gained in significance. It will be recalled that, in 1748, the governor at Antigua was acting as governor of St. Christopher, Nevis and Montserrat, grouped as the Leeward Islands. However, the governor of Barbados was finding by 1750 that French successes prevented him from exercising jurisdiction in St. Lucia, Dominica, and St. Vincent. An interesting sidelight on the area has been furnished by George Washington who visited Barbados with his brother Lawrence in 1751.

In the period under discussion, Jamaica was not only the largest

island possession of Great Britain in this hemisphere (after Newfoundland), but, in many other respects, was considered to be her most valuable colony. The development of British interests in Honduras and along the Mosquito Coast during this time, when they were treated as political dependencies of the government of Jamaica, gave added importance to the island's strategic position.

Professor Gipson emphasizes the common concern of the Caribbean colonies for an access to sugar markets and to a supply of slave labor. The question of the slave trade being of such vital significance to the "Southern Plantations" it is not surprising that his final chapter discusses the relations of the British Empire with "Guinea." Once again, competition with the French was so intense that the author, in describing the rivalry at Anamabo, in 1752, concludes: "Well might the Great War for the Empire have begun off the African coast at this juncture rather than at the forks of the Ohio two years later!"

PAUL R. LOCHER

*Neuilly-sur-Seine,
France*

Education in the Forming of American Society. By BERNARD BAILYN.

Chapel Hill: Published for The Institute of Early American History and Culture at Williamsburg, Virginia, by the University of North Carolina Press, 1960. xvi, 147. \$3.50.

This slim volume's two stimulating essays on the history of colonial education in America should delight all of those who have desired a truly historical approach to the study of that subject. In the first essay, Mr. Bailyn exposes the glaring inadequacies of the available histories of education and particularly details their failings concerning education in colonial America. Instead of dipping into the subject simply to select facts to be used to support various educational theories and practices, the author presents a brilliant survey of how and why the staid European educational inheritance was transformed into a vibrant social activity in the new world that encouraged colonial development and helped to form the American character.

Mr. Bailyn's second essay is bibliographical in nature and contains a superlative review of materials relevant to his subject. Both primary and secondary sources are succinctly described and evaluated. Also, innumerable opportunities for research are mentioned and any student beginning work in colonial education would be well-advised to consult them.

This book is the third in the Needs and Opportunities for Study series published by the Institute of Early American History and Culture and both the Institute and the author should be congratulated for this provocative and valuable work.

S. SYDNEY BRADFORD

National Park Service

Searching for Your Ancestors: The How and Why of Genealogy.

By GILBERT H. DOANE. Minneapolis: University of Minnesota Press, 1960. xvii, 198. \$3.95.

This book was written to serve as a practical guide to the individual who wishes to trace his ancestry, but who has had no experience in this sort of research: in other words, for the do-it-yourself genealogist.

The author recommends that the novice genealogist begin with his more immediate progenitors, working back from parents to grandparents to great grandparents and so on. The searcher should learn as much as he can by talking with relatives and friends of the family and by examining Bibles, letters, diaries and other family papers. He should then visit libraries with genealogical collections to look for such printed or manuscript materials as may already exist pertaining to the families in which he is interested. As the search progresses, the information obtained should be entered on a chart; several types are described. It is important also that every entry be carefully documented so that each bit of information can be evaluated and the original source relocated if necessary.

Having learned the names of at least some of his ancestors and where they lived, the would-be genealogist is now in a position to add other branches to his family tree by searching among town records, probate records (especially wills), census returns, military rosters, pension lists, church records, cemetery inscriptions and similar materials. An advantage of such official and semi-official sources of information is that they are almost invariably reliable and may be accepted without further proof; whereas, family traditions and printed genealogies are susceptible to error and must be carefully checked.

Several appendices appear at the end, comprising bibliographies of genealogical works and published lists of Revolutionary War soldiers, a summary of census records now available and a list of

states whose offices of vital statistics have records dating before 1900. There is also an index.

All in all it is apparent that no effort has been spared to make this book both useful and readable. It is written in a lively style and freely sprinkled with anecdotes, examples, hints and warnings. There is even a chapter on "How to be a D. A. R." and another advising on the preparations to be made before going abroad to trace European origins.

The only serious omission is the failure to take cognizance of the rapidly increasing importance of a number of state archival agencies as centers of genealogical research, notably in Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Illinois, Michigan, Minnesota and Colorado. This failure may be due in part to the fact that the archival movement has had little effect in the New England area where it is obvious that the author has gained most of his experience. Also, the movement was in its infancy in 1937 when the book was first written. But to ignore the genealogical research facilities of state archives in 1960 when this revised edition was published is to deprive the reader of information that might save him a great deal of time and trouble.

GUST SKORDAS

*Hall of Records
Annapolis, Md.*

BOOKS RECEIVED

- John C. Calhoun Opportunist: A Reappraisal.* By GERALD M. CAPERS. Gainesville, Florida: University of Florida Press. 1960. viii, 275. \$6.75.
- The Power of the Purse: A History of American Public Finance 1776-1790.* By E. JAMES FERGUSON. Chapel Hill: The University of North Carolina Press. (Published for The Institute of Early American History and Culture at Williamsburg.) 1961. xvi, 358. \$7.50.
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- Mississippi in the Confederacy: Vol. I. As They Saw It.* Edited by JOHN K. BETTERSWORTH. xx, 319. Vol. II. *As Seen in Retrospect.* Edited by JAMES W. SILVER, xxvii, 362. Published for The Mississippi State Department of Archives and History, Jackson, Mississippi by Louisiana State University Press. 1961. \$5.95 each—\$10. the set.
- James Monroe Smith, Georgia Planter, Before Death and After.* By E. MERTON COULTER. Athens, Georgia: University of Georgia Press. 1961. ix, 294. \$5.
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NOTES AND QUERIES

COVER PICTURE

View of Baltimore Looking South—This unusual view of the city was drawn by Moses Swett, a lithograph artist of the firm of Endicott and Swett who lived in Baltimore during the 1830's. It is a suitable companion piece to the account of life in Baltimore about the same time by John M. Gordon, published in this issue (SIDELIGHTS).

From the viewpoint of the yard of a house on high ground east of Jones's Falls, the picture shows the charm of the landscape when the urban spread had hardly begun and the bucolic aspect of the Falls where figures are shown wading or fishing. From left to right the principal objects are: the Merchant's Shot Tower (still standing); the steeple of Christ Episcopal Church, which stood just east of the Falls; the City Jail, surrounded by a wall, only two blocks or so from the observer; the Gay Street Shot Tower, long since destroyed; the dome of Benjamin H. Latrobe's Merchants Exchange; the delicate steeple of the German Reformed Church in Second Street, now approximately Water Street; in the center the twin towers of the First Presbyterian Church, facing south on Fayette Street, at Guilford Avenue; Barnum's City Hotel, with flags; the old Court House, facing north on Lexington Street near Calvert; above the trees, the tower of St. Paul's Episcopal Church, built in 1817 and burned in 1854; the Catholic Cathedral, also by Latrobe, farther to the right; and the Washington Monument towering above the forest of Howard's Park.

Jones's Falls at this time furnished water power for many mills. "The mills and factories on this small stream in the short distance of 9 or 10 miles, amounted to 17," says an early guide book, "9 flour mills, 4 grist mills, one large powder mill, 2 cotton factories and one calico printing factory." Five mills, including three for flour, were within the city limits, that is, south of North Avenue. The long building in the center is probably one of the later mills in which had been incorporated an earlier mill (gable roof), perhaps Burgess' Mill. About 1800, according to notes supplied by Mr. William B. Marye, there was a distillery at or near this spot.

Swett learned the trade of lithographer in Boston, but appears in

the Baltimore Directory for 1831 and a few years later in Washington. He was responsible for some of the Currier & Ives prints, and did other work in this area. The print was published by Nathaniel Hickman, a bookseller on Baltimore Street, who later served as colonel of the First Maryland Infantry and commanding officer of the Fifth Regiment, but the actual lithograph was made in the Washington shop of P. Haas. The reproduction is from the copy in the Pratt Library's Cator Collection of Baltimore Prints. Only four copies, all uncolored, are accounted for. The size of the print is $13\frac{13}{16}$ " x $21\frac{9}{16}$ ".

JAMES W. FOSTER

Society of Colonial Wars Award—A prize of five hundred dollars (\$500) will be given for the best manuscript on colonial history of Maryland, or some phase thereof, in the period between the founding of Jamestown and the Battle of Lexington. The closing date is October 1, 1963, and the contest is open to college and university seniors, graduate students and other writers qualified by experience and training. For rules and other particulars interested persons should write to Mr. Braxton Dallam Mitchell, Secretary, Society of Colonial Wars in the State of Maryland, Mt. Royal and Guilford Aves., Baltimore 2, Md.

Minutes of The Anacreontic Society—The Anacreontic Society of Baltimore, which flourished in the 1820's, is succinctly described in a footnote to *The Diary of Robert Gilmore*, himself a member (*Md. Hist. Mag.* XVII, 231, 244). It was, he said, "an association of private gentlemen of various professions and walks in life" who, being fond of music, met each Tuesday at 7 P. M. both to hear and to make music. Membership was limited and dues for the season were \$10. Brandy and water and hot whiskey punch were served during the musicales; and a cold supper at 10 P. M. At first the meetings were held at the house of Arthur Clifton, a teacher of music, but later (before 1827) at Barnum's Hotel because certain of the members did not like "the manner in which Mr. Clifton conducted the affairs of the Society."

I have recently acquired the manuscript minute book of the Anacreontic Society for the period October 9, 1823-1826, though entries after November 1824 are few. Much of it consists merely

in lists of members or their favorite "glees," but it contains a few matters of more general interest, including a brief history of a predecessor society, that seem worthy of publication.

The minute book is a pocket-size volume about $7\frac{1}{4}$ by 4 inches, bound in leather and boards. The front cover bears the legend in ink: "Minute book / Anacreontic Society / October—1823 / A. Clifton / Secretary." The back cover bears the name "J. L. Coale" in ink. Some 85 pages contain entries, and an approximately equal number remain blank.

EDWARD G. HOWARD
1308 Bolton St., Baltimore 17, Md.

Hewitt-Booth-Hush—Wanted: the names of parents of Benjamin Hewett (Hewitt) and wife Elizabeth, in St. Mary's County about 1797. They were parents of Susan Pracilla (Hewett) Smith, wife of Rev. John Smith of the Baltimore Annual Conference of the Methodist-Episcopal Church, and of John Hewett and Mary (Hewett) Dent.

Also, who were the parents of Joseph Booth (Boothe), living in St. Mary's County about 1795, and his wife before 1801? They were parents of Claissa (Clarisy) Hewett, wife of John Hewett; and also the parents of Mary H. Brown and grandparents of Mary H. Brown.

Also wanted: the parents of Ann Elizabeth (Chival) Hewitt born September 10, 1834 and married to Joshua Soul (Soule) Hewitt May 27, 1852 in St. Mary's County.

Also parents of George Hush and Elizabeth (Connelly) Hush, married October 25, 1821, in Baltimore at Old Light St. Church.

Also the name of the wife of Vincent Hughes of Baltimore in 1825.

Information is also sought about the Bibles belonging to the Hewett (Hewitt), Chival and Booth (Boothe) families of St. Mary's Co.

V. J. HUGHES
1411 Fleet St., Baltimore 31, Md.

Tilghman—I would appreciate hearing from members of the Tilghman Family, as I am now revising my 1945 book on the family.

Ringgold—I am working on a manuscript covering the Ringgold

Family from 1650 to date. I would like to hear from members of this family.

Goldsborough—I am also doing a manuscript on the Goldsborough Family and would appreciate hearing from members of the family.

STEPHEN F. TILLMAN, Col. AUS (Ret.)
3212 Cummings Lane, Chevy Chase 15, Md.

Johns—It has become my painful duty to announce that the Welsh ancestry of Richard Johns (the 'Johns' of Johns Hopkins), born in Bristol, England, in 1645 and brought to Virginia as a boy, later to settle in Upper "Cliffs" of Calvert County, ca. 1660, is *absolutely disproved* as it is set forth in the records of the Colonial Dames of America, Chapter One; and I must relegate to the category of *pure speculation* the right to the ancestry set forth in the "Chart of the Welch Ancestry of the Johns Family." I am in possession of documents which disallow the line as now proposed.

Alleged to be his ancestry is the Johnes Family of Dolau Cothy "Hall (?)," Carmarthenshire, Wales. I have considerable information about this branch of the ancient family (now extinct) in Wales, but not enough to establish the line.

I would be interested in corresponding with anyone who may have further information which will lead to the establishment of the line, or who may have access to the manuscripts and documents in the National Library of Wales, or who may know the whereabouts of the book: "Dolau Cothi Pedigree," by John Rowland, which is known to exist but no copy can be found either at Peabody or the Library of Congress.

G. RODNEY CROWTHER, III
4411 Bradley Lane, Chevy Chase 15, Md.

Clagett—I am preparing a book on the Clagett-Claggett family of Maryland and its descendants. I would be most grateful to have any relevant information which has not appeared in well-known published sources. I am interested in full genealogical data and substantial biographical material on all descendants of Clagetts in either the male or the female line.

BRICE M. CLAGETT
St. Albans School, Washington 16, D. C.

CONTRIBUTORS

EDWARD C. CARTER, II of Paoli, Pennsylvania is a scholar in early Maryland and American history. He is now matriculating at the graduate school at Bryn Mawr College. He has taught at the University of Delaware and Andover College.

S. SYDNEY BRADFORD was director of the research on the restoration of Fort McHenry and one of the co-authors of the series *Fort McHenry, 1814*, appearing in this *Magazine* (1959). Author of several scholarly articles, he is at present curator of the Morristown National Historical Park, National Park Service.

KENNETH L. CARROLL is Professor of Religion at Southern Methodist University.

DOUGLAS H. GORDON is a prominent member of the Society, author of many reviews and articles on Maryland history, and student of French literature.

MARYLAND HISTORICAL MAGAZINE

GENEALOGY COLLECTION



The Baltimore Exchange, 1816, by B. H. Latrobe, Architect,
in the Maryland Historical Society.

See "Architecture and Artistry."

MARYLAND HISTORICAL SOCIETY
BALTIMORE

September . 1961



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MARYLAND HISTORICAL MAGAZINE

VOL. 56, No. 3

SEPTEMBER, 1961

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MARYLAND HISTORICAL MAGAZINE

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SEPTEMBER, 1961

Number 3

ARCHITECTURE AND ARISTOCRACY: THE COSMOPOLITAN STYLE OF LATROBE AND GODEFROY

By ROBERT L. ALEXANDER

“YOU and I must carry on the War against the Goths & Vandals with perseverance & we shall do it with success.”¹ Writing thus to his friend Maximilian Godefroy,

¹ Benjamin Henry Latrobe, in his polygraphic (as hereafter) *Letterbooks*, the Md. Hist. Soc., Oct. 23, 1808; similar expressions occur under dates Dec. 27, 1806, and Jan. 8, 1807.

Research for this article was facilitated by a fellowship awarded by the Samuel S. Fels Fund of Philadelphia and by research grants given by the Pennsylvania State University. I have been greatly aided also by Wilbur H. Hunter, Jr., of the the Peale Museum, and by James W. Foster and the staff of the Md. Hist. Soc.

For information on Latrobe, see Talbot F. Hamlin, *Benjamin Henry Latrobe* (New York, 1955); on Godefroy, see Dorothy M. Quynn, “Maximilian and Eliza Godefroy,” *Md. Hist. Mag.*, LII (1957), 1-34 with further references, and

Benjamin Henry Latrobe made clear their awareness of a common problem. Even ignoring the mass of construction, both men felt that important public and domestic buildings in America were old-fashioned and lacked stylistic consistency. They attributed these undesirable qualities to a lack of taste and set for themselves the task of educating the public to new standards derived from the latest architectural developments in Europe. Both men were active in Baltimore during the first two decades of the nineteenth century, building in a manner which contrasted sharply with that of their local predecessors and contemporaries. Long before they left the city in 1819, their works were being described as exhibiting the best taste and a modern style.²

Certainly Latrobe and Godefroy were not alone in their efforts to change American taste, but the part of the populace which shared this aim was probably no larger than it has been at any other time in history. Expression of a significant taste through a coherent style has usually been the portion of a limited group forming an aristocracy by its political, social, or financial position. However it gained its place, in the eighteenth century the elite was exceptionally conscious of its prerogative of defining taste. For Latrobe and Godefroy, both born in the 1760's and informed with that attitude, maintaining a high level of taste was thus a social as well as artistic obligation. Their art was not limited in its relations with aristocracy to its place of origin, moreover; it was created for and expressed the views of an American aristocracy.

European sources of both these artists appear immediately in their drawings and watercolors. In one handsome figure composition by Latrobe, although the subject is American, the family and home of George Washington, little distinguishes it from the work of a competent English artist of the time. The thin, hard line is that of Flaxman; the composition just what one would find in a Neo-Classical relief sculpture or, more specifically, in a group of figures on a Wedgwood plaque or bowl. A landscape sketch, like the *View on the York River*, exhibits the technical treatment passed on to Latrobe's genera-

Richard H. Howland and Eleanor P. Spencer, *The Architecture of Baltimore* (Baltimore, 1953), pp. 39-47.

² See, e.g., Niles' *Weekly Register*, III (1812-13), 46.

tion by the English painter Gainsborough who was forced to subordinate his interest in landscape to the constant demands made by the upper class for his portraits.³ But the English gentleman's love of nature dominated in Constable's art, and Latrobe shows a similar interest in the turbulence of the water and in the vitality that ruffles the trees and bushes and moves the clouds across the sky. Latrobe's magnificent technique is obvious in his quodlibets, or trompe l'oeil compositions, representations of flat objects as a kind of tour de force. There is an intention to fool the eye, but the artist must not be too accomplished or we may not understand his great skill. By inserting the portrait head Latrobe deliberately breaks the spell woven by two-dimensional elements and introduces a factor which makes us aware of another facet of his skill. Godefroy's *Battle of Pultowa* (1804-05) is far more intellectual in its organization and suggests a strong interest in narrative. All the feeling and excitement of a battlescene is the product of a forced wedding of Rococo curves, zig-zags, and billowing clouds with the Neo-Classical groups, figures, and poses. At the least, these elements link Godefroy's art with the several techniques current in France.

Because they introduced some quite modern European attitudes and practices the buildings of Latrobe and Godefroy were virtually unique in America. The longitudinal section of Latrobe's Cathedral (1805) in Baltimore shows an interest in large, clear, open spaces, and contrasts of varied forms and shapes, like the barrel-vaulted and domed chambers of different heights. The subtle but rich treatment of the surfaces reflects was adapted by other architects almost as soon as it appeared. the precise elegance of the brothers Adam whose manner The subtlety and intricacy of the decoration, the complex spatial relations, and the very shapes employed in James Wyatt's Pantheon (1770-72) in London provided close similarities to the Cathedral.⁴ Although Godefroy's background was entirely French, still the original interior of the Unitarian Church

³ For the Latrobe drawings mentioned in this paragraph, see Hamlin, fig. 31 and pls. 4, 39; for the *Battle of Pultowa*, see Robert L. Alexander, "The Drawings and Allegories of Maximilian Godefroy," *Md. Hist. Mag.*, LIII (1958), illus.

⁴ John Sumerson, *Architecture in Britain 1530-1830* (Baltimore, 1954), pl. 159B.

(1817-18) in Baltimore possessed the same sophistication of forms. In all three cases an unusual overhead light source added complexity and drama to the interior voids.

Exteriors, too, link our architects with avant garde movements. Over the last two decades scholars have recognized the important and revolutionary changes which occurred in European architecture during the later eighteenth century. Inasmuch as this development ignored national boundaries, we can find remarkable similarities in the most unusual ways. In Latrobe's Center Square Pump House (1799-1800) in Philadelphia, for example, several features distinguished it from Colonial work—the interest in geometry which established a cubical base from which emerged a cylinder topped by a hemisphere; the vestibule recessed into the mass of the building and screened by a colonnade in the wall plane; the row of windows enhancing the void within the cylinder; recessed panels, those at the top of the cylinder as well as those containing the arched windows.⁵ In France C.-N. Ledoux had previously employed the same formal idea of a cylinder rising from a cube, with openings ranged about the cylinder to hollow it, in the *Barrière de la Villette* (1785-89), one of the forty-nine royal tollhouses built around Paris just before the Revolution.⁶ A fine example of the recessed portico and colonnade screen occurred in his residence (1772) for the actress Mlle Guimard.⁷ We do not know whether, or how, Latrobe became acquainted with the French works, for there is no record that he ever visited that country.

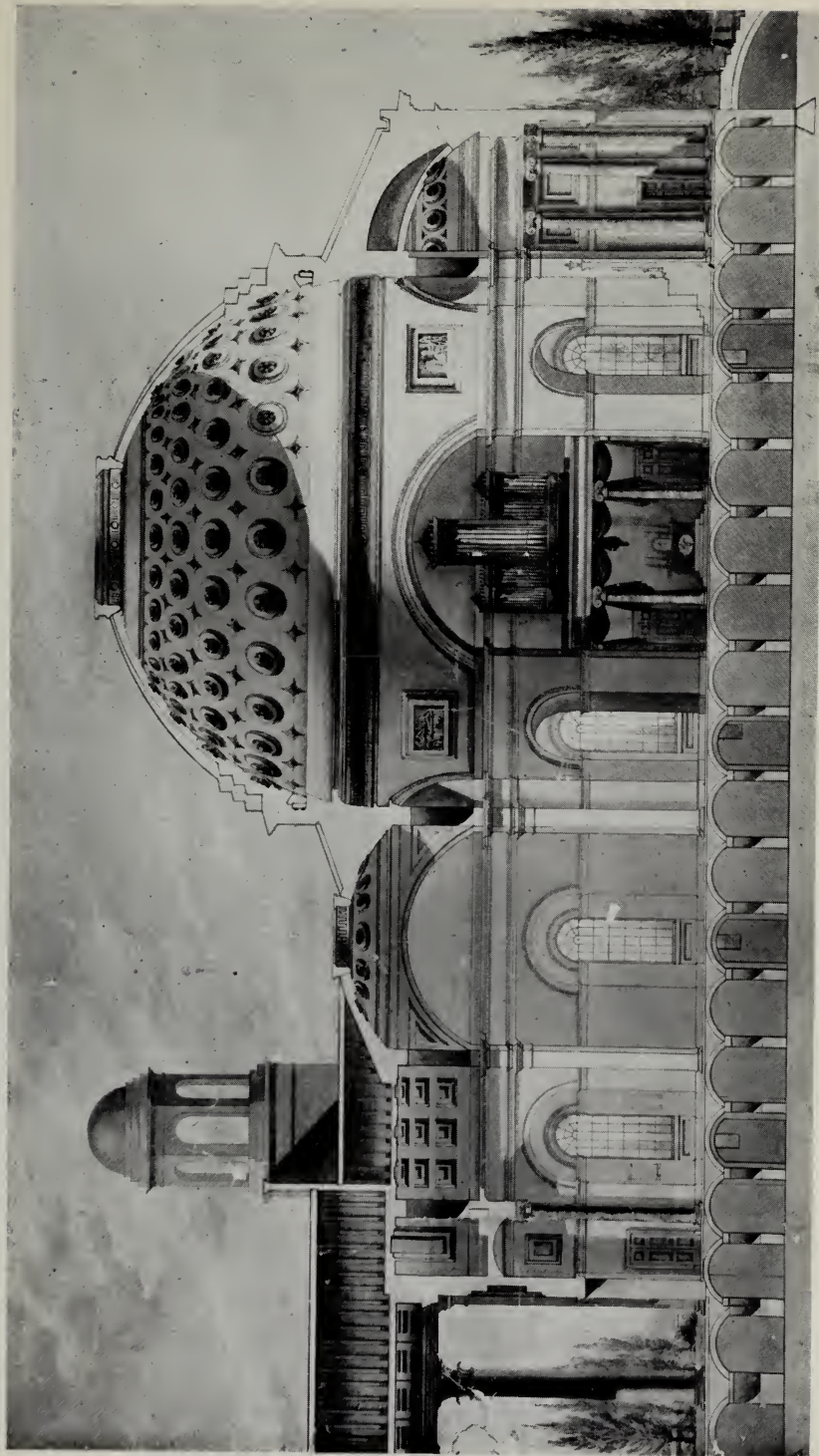
The appearance of similar elements in Godefroy's architecture is more understandable since he lived in Paris almost forty years. In his rendering of the Unitarian Church he emphasized the hemisphere rising from the cubical block of the building and made a superb use of the screened and recessed vestibule, here arcaded.⁸ Around the sides and back are arched recesses, some of which have windows, and in the attic level a

⁵ Hamlin, pl. 14. See also Rich Bornemann, "Some Ledoux-Inspired Buildings in America," *Journal of the Society of Architectural Historians*, XIII (1954), 15-16.

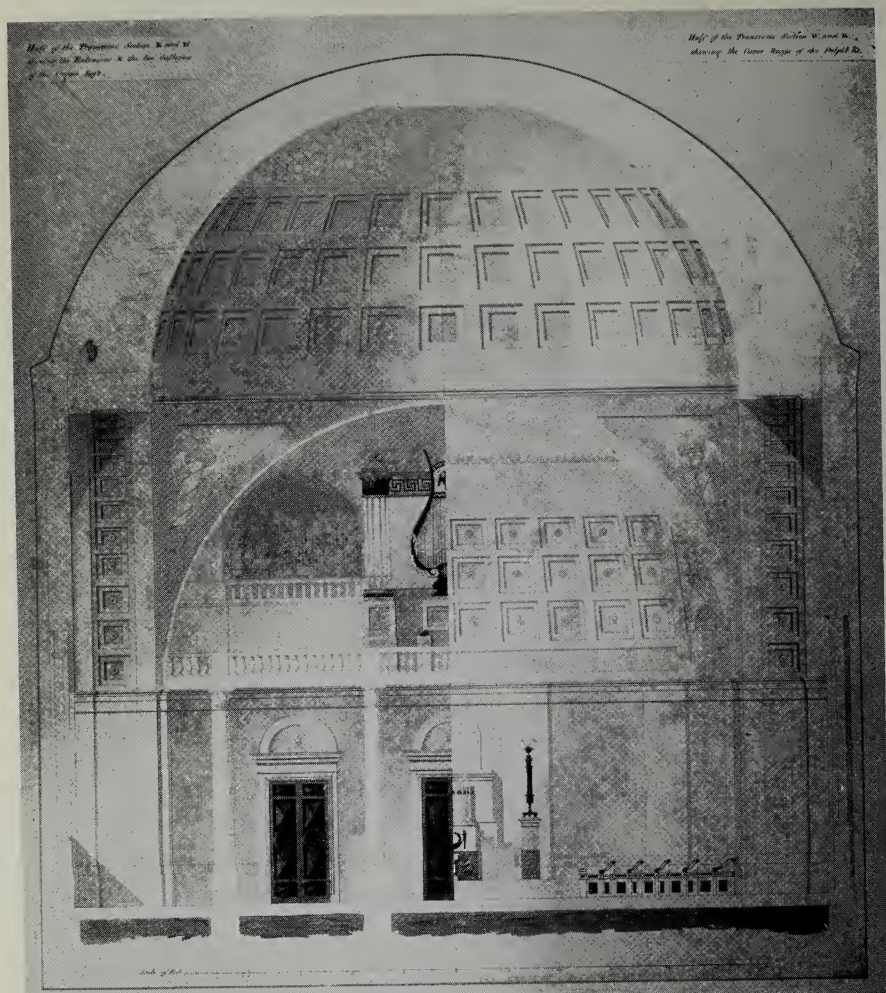
⁶ Marcel Raval and J.-Ch. Moreux, *Claude-Nicolas Ledoux* (Paris, 1945), pls. 280-82.

⁷ Raval and Moreux, pls. 25, 26.

⁸ Alexander, illus.



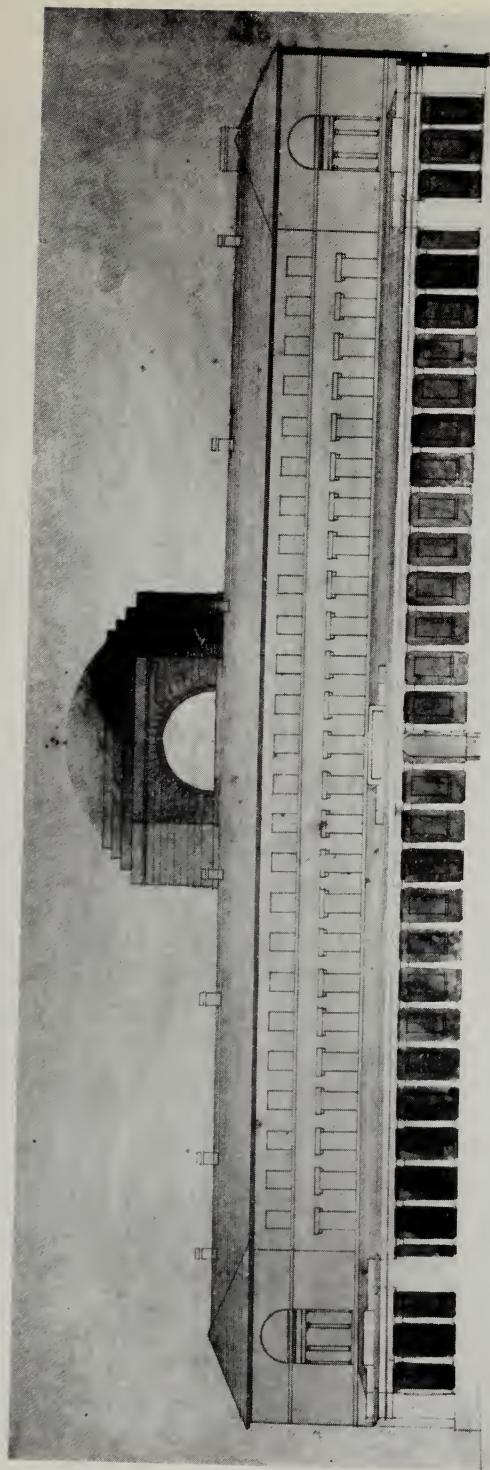
BALTIMORE CATHEDRAL SECTION, 1808, BY LATROBE.
Drawing owned by Archdiocese of Baltimore. Photo courtesy Peale Museum.



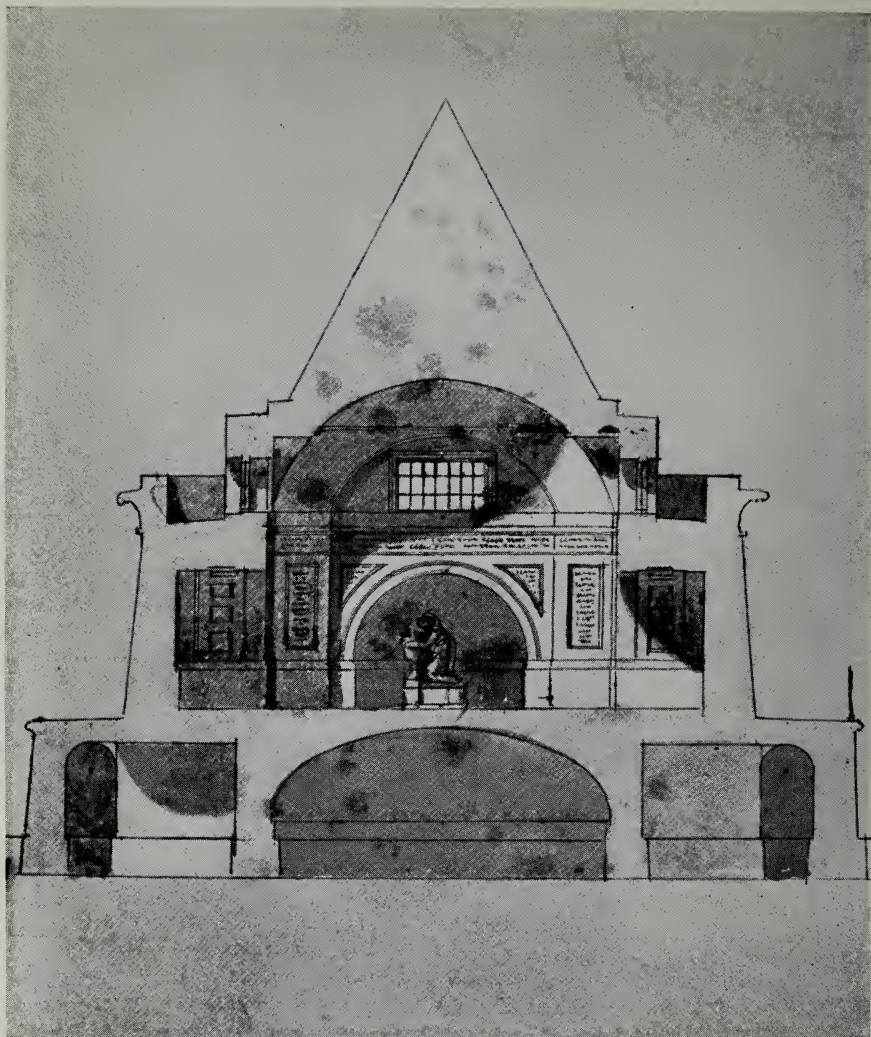
UNITARIAN CHURCH SECTION, 1818, BY M. GODEFROY.

Original drawing at First Unitarian Church.

Photo courtesy of the Peale Museum.



CODEFROY'S STUDY FOR THE BALTIMORE EXCHANGE, 1816.
Maryland Historical Society.



PROJECT FOR A RICHMOND MONUMENT, 1812,
BY B. H. LATROBE.

Letterbooks, Jan. 21, 1812. Maryland Historical Society.

series of rectangular recesses. The entrance, with three arches on four columns, almost exactly duplicated that on the abbey (c. 1780) at Royaumont, not far from Paris;⁹ the triple-arch entry motif, moreover, appeared with some frequency in France from about 1770 to perhaps 1815. Godefroy used two recent publications for certain details, providing specific connections with advanced European taste. In 1798 two French architects, Ch. Percier and P.-F.-L. Fontaine, published their drawings of Italian Renaissance buildings, and from this source Godefroy derived the shape of the pulpit and the form and details of the five doors. The moldings of the interior cornice, he said, were derived from the Palazzo Mattei, and indeed the whole interior space appears to be a magnification of the square, vaulted bay from this palace as illustrated by Percier and Fontaine.¹⁰ From another, and much more popular source, the *Principles of Architecture* by Peter Nicholson, he selected the pattern for the exterior columns and cornices, following the plates almost line for line.¹¹ But these are details in the over-all stress on strong, self-contained forms, stripped of decoration so that the enclosing planes of the geometric shapes received that much more emphasis. Whether or not Godefroy was familiar with the very buildings known to us, the identification of specific sources is relevant in part because he had lived only in France and his experience was more limited than that of Latrobe who had mastered several languages and traveled widely in Europe.

Books are most helpful in recreating the European intellectual background of men like Latrobe and Godefroy. Several statements by the latter suggest that he used for his architectural study a textbook written by J.-F. Blondel, the great teacher of royalist France from the 1740's until his death in the 1770's. The first building Godefroy designed and built, St. Mary's Chapel (1806-08), is well known as the first Neo-Gothic ecclesiastical structure in America,¹² Whereas one could offer

⁹ Raval and Moreux, pl. 349.

¹⁰ Ch. Percier and P.-F.-L. Fontaine, *Palais, maisons, et autres édifices modernes, dessinés à Rome* (Paris, 1798), pls. 42, 55, 73.

¹¹ Peter Nicholson, *Principles of Architecture* (rev. ed., 3 vols.; London, 1836), III, pls. 195, 196. The Baltimore Library Company owned the first edition (3 vols.; London, 1795-98), which Godefroy borrowed in 1817-18; see the manuscript Librarian's Ledger in the Md. Hist. Soc.

¹² Howland and Spencer, pl. 27.

many reasons why it should have been in a Classical vein, its Gothic stylism, an extraordinary form which has no direct historical source, has never been explained, only accepted. The inspiration to use this mode came to Godefroy, I believe, from his readings in Blondel, perhaps from the following passage dealing with the sublimity of Gothic architecture:

*Le genre sublime dont nous voulons parler, devoit être par exemple, le propre de l'Architecture de nos Temples; en effet, tout y doit paroître tracé par une main divine; leur ordonnance doit avoir un caractere sacré qui rappelle l'homme à Dieu, à la Religion, à lui-même. Qu'on y prenne garde, certaines Eglises gothiques modernes, portent cette empreinte: une grande hauteur de voûte qui n'a rien de vulgaire, des nefs & des bas-côtés spacieux, une lumière modérée & analogue aux mysteres, des façdes élevées & pyramidales, une simétrie intérieure dans les côtés respectifs; enfin des dimensions qui annoncent des préceptes suivis, quoiqu'ils soient pour la plupart inconnus, sont autant de beautés qu'on remarque dans quelques ouvrages de ce genre; & qui devroient au moins nous servir de modeles pour la structure des monuments dont nous parlons.*¹³

Out of his own desire to create a sublime work Godefroy accepted this enthusiastic recommendation of the Gothic emanating from a court architect. In another part of his book Blondel gave specific measures for the design of a delicate, feminine architecture "similar to the most beautiful Gothic productions." He advised the use of sinuous lines, such as those produced by arches, and a relatively flat surface, one without bold projections.¹⁴ This architecture, at once feminine and religious, was most appropriate for a chapel dedicated

¹³ J.-F. Blondel, *Cours d'architecture enseigné dans l'Académie royale d'architecture* (text 6 vols., plates 6 vols. in 3; Paris, 1771-77), I, 378: "The sublime style of which we speak should be, for example, the very architectural style of our temples; every part, in fact, should seem designed by a divine hand; their disposition should have a sacred character which recalls man to God, to religion, to himself. Note carefully, certain modern Gothic churches convey this impression: a great vaulted height in which there is nothing ungraceful, spacious naves and side-aisles, subdued lighting in accord with the spiritual mystery, lofty and peaked façades, internal symmetry between the respective sides; finally, measurements which show that rules were followed, even though they are for the most part unknown to us—these are some of the beauties which one observes in some works of this style, and which should at the least serve us as examples in the construction of the monuments of which we speak."

¹⁴ Blondel, I, 416, 419-21.

particularly to the Virgin. It was, moreover, a private rather than public structure, so that the informality of the Gothic was the more suitable. Many travelers, especially Mrs. Trollope, commented on the successful evocation of a religious atmosphere in St. Mary's Chapel.¹⁵

Latrobe also employed the Neo-Gothic, and occasionally for secular works. As early as 1805 he suggested it for the Cathedral of Baltimore, and it is instructive that his reason was close to that of Godefroy and Blondel: "The Veneration which Gothic cathedrals generally excite."¹⁶ While the surface forms employed by these two men were rather different, they shared the desire to evoke the religious atmosphere known to the period as sublimity, a quality attributed to architecture in the second half of the eighteenth century.

Yet their work was not derived totally from the eighteenth century. Godefroy's Battle Monument (1815-25) has been studied sufficiently to show that its sources lie in the actual architecture as well as publications of the nineteenth century.¹⁷ The base, for example, with its slightly battered walls and carefully designed rustication, the canted doorways and cavetto cornices, derived from an Egyptian monument known to Europeans from a book of 1802 commemorating Napoleon's campaign in Egypt.¹⁸ The idea of the huge fasces was Godefroy's, but suggestions for it occurred in French monuments of the period. The female figure representing Baltimore ran counter to theories of the *ancien régime*, which permitted only a royal portrait statue in such a place. The combination of disparate elements—base, fasces, and figure, all vying for attention—was the result of a method of design evolved during the revolutionary period. It is an interesting confirmation of this new mode of design that the author of the publication selected for careful reproduction a Ptolemaic work which was not simply Egyptian, but had ancient motifs fused with Classical elements and ideas. As a result, although Godefroy was a refugee from

¹⁵ Mrs. Frances Trollope, *Domestic Manners of the Americans* (2 vols.; London, 1832), I, 294-95.

¹⁶ Hamlin, p. 236; see also pl. 18.

¹⁷ Robert L. Alexander, "The Public Memorial and Godefroy's Battle Monument," *Journal of the Society of Architectural Historians*, XVII (1958), 19-24.

¹⁸ D.-V. Denon, *Voyage dans la basse et la haute Egypte* (3 vols. and atlas, Paris, 1802), pl. 80.

Napoleonic France, his monument to the citizen defenders of Baltimore retained the elegance, precision, and refinement of the Consulate.

In Europe at the end of the eighteenth century architectural monuments became popular as a means for celebrating the universal nature of man, symbolizing the genius of an individual as a token of humanity's potential. Abstract forms, like the triumphal arch, the memorial column and obelisk, and the pyramid, were generally preferred over the portrait which was too much restricted to a particular individual. In 1805 a design for a pyramidal mausoleum was published in the textbook of J.-N.-L. Durand, one of the most influential teachers of the period.¹⁹ When Latrobe was asked in 1812 to prepare a monument commemorating the disastrous theater fire in Richmond, he designed a large pyramidal mausoleum to hold the remains of the victims.²⁰ Featuring a rather high, square base, this project led to Godefroy's pyramidal vault, one of a group of four by him in the burial yard surrounding the Westminster Presbyterian Church (Baltimore). It was built shortly before 1815 for James Calhoun, first mayor of Baltimore who died in 1816, and James Buchanan.

Latrobe and Godefroy, then, employed in this country a style of architecture related to recent European developments. Some elements were a generation behind current European practices; some were very close in date to what occurred overseas; and some, indeed, were individual developments going beyond what was being done in Europe. They participated in a movement which, in its day, might well have been called modern architecture.

Now they could not have built their works without support and patronage. Not all Americans cared for this new style, and some were actively opposed to it. Latrobe, for example, was the object of much harsh treatment on this count in Washington, as Godefroy was in Richmond. The latter, by his own difficult personality, often impeded the acceptance of this new style. Yet the fact is that even Godefroy was a success in architecture, not only teaching himself, but actually constructing

¹⁹ J.-N.-L. Durand, *Précis des leçons d'architecture données à l'Ecole Polytechnique* (2 vols.; Paris, 1802-05), II, pl. 1.

²⁰ *Letterbooks*, Jan. 21, 1812.

several buildings in the new style while in Baltimore. Several pieces of evidence prove that he had barely begun his studies before his exile from France. Baltimoreans accepted and encouraged him as an architect purveying an advanced, modern style connected with Europe, breaking with the existing traditions of American architecture. The handsome Homewood (1803) was essentially traditional in its widespread Palladian plan of a central block with connected wings and in its emphatic decorative forms, like heavy window and door frames and the strong, projecting portico.²¹ The Cathedral and St. Mary's Chapel, on the contrary, were new features on the American horizon.

Two levels may be discerned in the architectural expression of the early nineteenth century. A vernacular had been adopted for the great mass of building—houses, churches, utilitarian works with some stylistic pretension, occasional public buildings. This mass of construction was the work of native-born builders who began as carpenters or brick layers and gradually undertook design. Baltimore had numbers of such men who were usually about a generation behind the stylistic leaders representing the second level. To use the term 'cosmopolitan' for the upper level suggests on the one hand the architects' closer relation to contemporary European developments, and on the other hand the broader cultural orientation of the upper class which supported and paid for this architecture.

There can be little doubt that the new style was the expression of a cultural aristocracy. This point is highlighted by Latrobe's past project for Baltimore, the proposed library building of 1817. The library certainly symbolized the highest form of culture for such a verbally inclined society. A glance at the holdings of the Baltimore Library Company (membership by stockholders only) reveals a desire to keep abreast of European literature.²² Acquisitions included new works in every field of interest, travel, science, mathematics, mechanics, religion, philosophy, the arts, poetry, and novels. In architecture, to be specific, a few technical books on construction, all quite new, accompanied pattern books by men like Sir John

²¹ Howland and Spencer, pls. 10-14.

²² [Baltimore Library Company,] *Catalogue of the Books* (Baltimore, 1809; suppls., 1816, 1823).

Soane, historical studies, and theoretical works. It was for such a collection that Latrobe designed his sophisticated structure. The exterior is a large central cube with gable-roofed projections at either end, the cylinder and dome emerging from the roof, a geometrical composition enhanced by the severe simplicity of the wall planes. Inside there is a complex three-dimensional organization of the voids: small, enclosed rooms on the street level, vaulted chambers above. For the real impact of the spatial organization the viewer must pass through the low entrance vestibule, the first colonnade screen, and the circular colonnade, into the marvelous central chamber which rises up to the dome and great lantern. The interior is a complex merging of the cylinder and cube, and indeed hemisphere, made all the more awesome by the rich texture of the interior decoration and book-lined walls, and by the dramatic play of light and shadow over the surfaces and recesses. Perhaps such intricacy and complexity was beyond the comprehension of most of the citizenry. The number of supporters for the cosmopolitan style was small, but it included men like General Robert Goodloe Harper, Latrobe's friend and the major force behind the library project.

Some elements of American society had special reasons for an interest in the new mode. Freemasonry has always looked upon itself as a brotherhood transcending national boundaries. The Grand Lodge in Baltimore accepted Godefroy's design of 1812 for a new Masonic Hall, a design which contains the germ of the Unitarian Church.²³ Although it was started in 1814, only the foundations were then completed. Not until 1819, when Godefroy was setting out for Europe, was construction taken up again. The design was then reworked by William F. Small who made the building a minor version of the Merchants Exchange. The Unitarians, too, had a special intellectual orientation which sought to give religious experience a broad foundation on man's whole cultural history and achievement, and to extend religious faith into all of man's activities. It is no wonder that they commissioned Godefroy in 1817 to design their temple.

Despite their later conservatism, bankers frequently employed

²³ William Strickland's engraving of Godefroy's design was published in *The Freemason's Library and General Ahiman Rezon*, ed. Samuel Cole (Baltimore, 1817).

the new style, perhaps because no type or standard for bank buildings existed. With the end of the first Bank of the United States numerous state-chartered institutions flourished and soon required permanent quarters. For the Commercial and Farmers Bank in Baltimore Godefroy designed a compact brick structure (1810-12) with an unusual monumental corner entrance of stone bearing relief sculptures of Ceres and Mercury.²⁴ Many early accounts record the universal admiration for this unique structure. In Richmond, Va., in 1817, Godefroy designed a façade stretched across the front of two adjacent banks.²⁵ When the Carpenter, Robert Cary Long, Sr., built the Union Bank (1809), he drew upon a recent English publication to update the traditional square brick structure by including such devices as the recessed vestibule with colonnade screen, the arched recesses with windows, and the sculptured panels and pediment.²⁶ Latrobe designed several banks, the Bank of Pennsylvania (1798-1800), the Bank of Philadelphia (1807-08), the Second Bank of the United States in Philadelphia (1818), the Louisiana Bank (1819-20) in New Orleans. His pupils Robert Mills and William Strickland planned still more. Bankers formed a large portion of the cultural aristocracy which supported the new style.

As it is employed here the term 'aristocracy' refers not to an inbred social class, but rather to a group whose taste set the standards for the most advanced and expensive architecture of the day. Perhaps the closest thing in Maryland to the old meaning of 'aristocracy' was the Carroll family, and they were prime movers behind the Cathedral and St. Mary's Chapel. Charles Carroll of Carrollton was indeed a landed lord, his wealth built upon an agricultural base, like that of George Washington and Thomas Jefferson. But Carroll was also very modern, engaging in urban land speculation and in mercantile activities, characteristic of the class which exhibited the taste here termed aristocratic and cosmopolitan. A relatively recent power in American life, these people were essentially urban,

²⁴ Wilbur H. Hunter, Jr., "Salvage of 1810 Sculpture," *Journal of the Society of Architectural Historians*, XIV (1955), 27-28.

²⁵ Mary W. Scott, *Old Richmond Neighborhoods* (Richmond, 1950), p. 136.

²⁶ Howland and Spencer, pls. 47, 48; cf. John Soane, *Sketches in Architecture* (London, 1798), pl. xxxiv, a publication Long borrowed from the Library Company in March 1808.

drawing their wealth from commercial and financial activities. Robert Oliver is an excellent example of the self-made merchant who acquired millions over a period of a few decades. Other names are familiar in the history of Baltimore, the Pattersons, perhaps the richest family in the city, James Calhoun, the first mayor, Gilmore, Harper, Dugan, Hollins, O'Donnell, and the several Smiths. Holding the highest political and social positions in the city, these people were the chief patrons of Latrobe and Godefroy who embodied in their style the cultural aspirations of these patrician families. Indeed, in Montibello, the home General Sam Smith built in 1799, a prominent figure in this group evidenced his conscious search for a suitable architectural expression. Breaking with traditional planning, he erected a slab terminated by semicylindrical shapes; with a smooth stucco facing and simple openings, the house acquired the severity of the coming manner.²⁷

From this background the Merchants Exchange in Baltimore arose as the crowning achievement of the first two decades of the nineteenth century. More than the Cathedral it embodied the nature of the merchant aristocracy, its social, political, and economic status, its desire to be modern, and its cosmopolitan cultural orientation. Several scholars have studied the building, its construction and plan, the way in which Latrobe offered an architectural organism to provide for the large variety of activities to be housed under its roof. The most impressive feature, of course, was the magnificent central chamber crowned by a dome which was the most daring structural feat of the age. Larger than the library proposal of a year later, the interior spatial complex shows the same mind at work.

The building was the basis of the unfortunate quarrel which destroyed the close ten-year friendship between Latrobe and Godefroy. Hamlin was correct in attributing the argument largely to Godefroy's impetuous pride and unreasonableness.²⁸ Minor points might be added to his account of the personal differences, but it is more important to consider carefully Godefroy's part in the building itself. After the Exchange committee had approved a final design in February 1816, Godefroy submitted another study with a drastically different treatment, so thoroughly demonstrating modern French prin-

²⁷ Howland and Spencer, pls. 7, 8.

²⁸ Hamlin, pp. 487 ff.

ciples that it could have been produced in Paris around 1800. Latrobe indicated his own lively interest in this study but pointed out that the pattern had been set.

The large drawing by Latrobe of the approved design has in its author's handwriting the names of Godefroy and Latrobe. Hamlin has suggested that Godefroy was responsible for the small scale of the Gay Street front. We can go further and agree with Latrobe's statement that Godefroy was mainly responsible for this facade. Large arched openings were a feature of Godefroy's buildings, as was also the repetition of the arched shapes in the upper windows. The balanced but unequal rhythm of three openings on the main floor and five on the upper levels had its closest parallel in a well known Parisian theater opened during Godefroy's youth in that city. The design was, in addition, almost anti-architectural in the placement of openings over supporting piers and supporting masses over large voids. Latrobe was never guilty of such an anti-structural organization. The sculpture, too, with its emphasis on Mercury, the god of commerce, and with the allegorical figure of Baltimore on the cornice, so close to the Battle Monument figure, points to Godefroy as the chief designer.

As known from later nineteenth-century photographs the Exchange hardly suggests the promise of the original drawings. It was never entirely completed and the sculptures never made. It was disfigured by later additions at the ends. Painted in almost a harlequin manner, the largeness of the conception was concealed. But the great dome remains a capital accomplishment of Latrobe's career and a climactic expression of the merchant princes. The building was indeed the happy result of architectural vision and mercantile provision.

Would an architectural style expressive of the merchant class have arisen if Latrobe and Godefroy had not been present? In all probability, yes. Charles Bulfinch in Boston and Thomas Jefferson in Virginia were following other paths to similar goals; William Thornton in his erratic manner and J.-J. Ramée, another French refugee, might have figured larger in our architectural history. Despite their differences, Latrobe and Godefroy were fortunate in that their active periods coincided with the cultural dominance of an affluent group which knowingly accepted an architectural expression of its particular nature.

Baltimore was a microcosm, representing in itself the changes

occurring throughout the nation. It experienced a tremendous expansion of its population and wealth in the decades around 1800. Commercial shipping, the basis of its wealth, kept the city in touch with international events in Europe and Latin-America. Still a young city, for the site was first settled in 1729, it was free of binding social, political, and architectural traditions. Its need for architects attracted men like Latrobe and Godefroy who had the background and potential for developing a new stylistic expression. It paid for their expensive architecture and their desire to replace brick with stone or at least a stucco facing to simulate stone, but the impressiveness of the new buildings arose from the effect of the architectural forms rather than from surface elaboration. Solid, compact, essentially horizontal, the sophistication of the geometrical shapes and voids appealed to the merchants whose commercial dealings had familiarized them with monumental architecture in other countries. Primarily an urban architecture, it was related to changes occurring everywhere from Maine to Louisiana. Latrobe and his pupils practiced extensively in Philadelphia, where material conditions were similar to those in Baltimore, and he left other examples of the style in places he visited. His manner was a high-point in the over-all Federal style which replaced the Georgian Colonial.

The character of the cosmopolitan style is clear from a contrast with what preceded it. When compared with what followed it, its patrician nature becomes more obvious. For the style was altered, by a pupil of Latrobe, to become the symbol of a new class. In 1828 William F. Small made eight drawings for a projected warehouse on one side of the Exchange.²⁹ His drawing technique derived directly from Latrobe's and although he had to continue the stylistic treatment of the completed building, Small made simplifications within this framework, reducing the arched windows to rectangles and eliminating horizontal bands. In works of the mid-twenties he converted the Latrobean style into a mannerism. In Barnum's City Hotel (1825-27), for example, he treated the walls of a huge structure like a sheet of drawing paper over which he spread a pattern composed of motifs drawn from his teacher's work—triplication

²⁹ Robert L. Alexander, "William F. Small, 'Architect of the City,'" *Journal of the Society of Architectural Historians*, XX (1961), 00-00.

in the over-all division of the walls, triple openings in the doorways and windows on various level, frequent use of the arched recess containing a window. The sophisticated organization of geometric solids and the subtle composition of interior voids, which characterized the work of Latrobe and Godefroy, are no longer present in, for example, Small's Archbishopric (1829). Simple, substantial blocks bearing a surface pattern of almost regularity, the exterior heralds the internal division into rectangular rooms lacking octagonal and curved shapes as well as the recesses which enlivened Latrobe's interiors.

Not only architecture, but society also changed. Revision of the state constitution and the city charter in the first decade of the century gave suffrage to the more numerous mechanics, and Edward Johnson, a brewer, served many years as the mayor (1808-16). Small's father, a carpenter, and William Stuart, a stone cutter, were prominent mayors during the twenties and thirties. A middle class composed of skilled artisans achieved political control. As it moved from political to cultural dominance, the mechanic class modified the style of its predecessor to establish a symbol of its new status. William Small, the most active architect of the day, embodied in his work the virtues eternally upheld by the middle class—directness, honesty, economy, practicality, and sobriety.

Behind Latrobe and Godefroy lay the provincial Baroque and the agricultural Palladianism of the eighteenth century. Mt. Vernon, Monticello, and even Thornton's Capitol were products of an age of the amateur. The learned gentleman-farmer had the time, interest and ability to turn his hand to warfare, to diplomacy and politics, to architecture. In the bourgeois, Jacksonian decades of the nineteenth century, the twenties and thirties, architecture became a business. The profession was sufficiently recognized so that first moves were made toward the organization of the American Institute of Architects in 1835-36. The architect became a specialist, called upon for his services just like a bookkeeper, a machinist, or a financial expert. Latrobe and Godefroy stood between these two stages as they introduced professional standards and ethics into the practice of architecture. The merchant prince had created an urban society and assumed the political and social place of the born gentleman. Latrobe and Godefroy housed this new patrician in an architecture symbolic of his position.

MARYLAND AND THE PRESIDENTIAL ELECTION OF 1800

By EDWARD G. RODDY

1.

OF the significant and bitterly contested national elections of the nineteenth century—1800, 1828, 1840 and 1896—none was more significant than the first. From New Hampshire to Georgia, Republicans and Federalists struggled and fought for their ideals and very existence as political parties. The election in Maryland was particularly interesting. Prior to the campaign of 1800 the state was preponderantly Federal and the leading citizens and statesmen were, almost to a man, staunch Federalists. Suddenly, within the space of four months, Republican victories swept the Federalists from their dominant position forever.

A foretaste of the campaign manifested itself in the mid-term elections of 1798 in Maryland. George Salmon¹ wrote to James McHenry that

wherever I went, the ensuing election for Representatives to Congress seemed to take up the entire thoughts of the People, and party spirit rages every where with great violence. . . . In this Town [Baltimore] and County, parties are beyond anything ever before known. . . .

The background to this upsurge of "party spirits" is to be found in certain legislation enacted into law during 1798 by the Federalist controlled Congress. Three measures in particu-

¹ In addition to Claude G. Bower's, *Jefferson and Hamilton, The Struggle for* George Salmon to James McHenry, September 25, 1798, McHenry Papers, Maryland Historical Society. *Democracy in America* (New York, 1925) and Charles M. Beard's, *Economic Origins of Jeffersonian Democracy* (New York, 1915) two recent studies shed additional light on the period. Manning J. Dauer, *The Adams Federalists* (Baltimore, 1953) and Noble E. Cunningham Jr., *The Jeffersonian Republicans: The Formation of Party Organization, 1789-1801* (Chapel Hill, 1957).

lar provoked a storm of passions on both sides of the political fence. The Alien and Sedition Acts were intended to crush Irish and French activities in the United States and to silence Republican criticism of the administration of John Adams. A second measure authorized the President to raise a provisional army. Publically, the Army Bill was defended as a means of girding the nation against an attack by France. Privately, many Federalists in Maryland voiced the hope that it would serve as an anti-Republican branch of the government.² On the same day that the Sedition bill was approved, a direct tax was levied on houses, lands and slaves. A heavy progressive tax on houses in cities failed to placate Southern ire at the fifty cent head tax on every slave between the ages of twelve and fifty. Rural areas of Maryland with large slave populations were as angry at the new tax measure as were the citizens of Baltimore who objected to the tax on dwellings.³

To Maryland Republicans, as to Republicans everywhere, the three measures seemed proof that the aristocrats were forging weapons to crush all political opposition and fasten their lasting grip upon the nation. In addition to drawing down upon themselves the wrath of Republican opposition with these unpopular acts, the Federalist party in 1799 split down the middle over the issue of a peace mission to France.⁴ Most Federalists in Congress condemned it as "calculated to revive French principles and strengthen the party against the government." Maryland's leader of the "High Tory" faction, James McHenry, confided to George Washington: ⁵

² J. Ash to James McHenry. August 24, 1798. Bernard C. Steiner. *Life and Correspondence of James McHenry* (Cleveland, 1907), p. 333.

³ *Baltimore American*, November 1, 1800.

⁴ Relations between the United States and France were badly strained following the XYZ affair and naval clashes were becoming dangerously common by 1798. Determined to take any step possible to prevent war, President Adams (against the advice of his cabinet) ordered a peace mission to Paris in the fall of 1799. By September, 1800 the peace commission had concluded a treaty with Napoleon and the danger of war disappeared.

⁵ James McHenry to George Washington, November 10, 1799. George Gibbs, *Memoirs of the Administration of Washington and Adams* 2 vols., (New York, 1846), II, 281-282. The High Tories or anti-Adams Federalists were led by Alexander Hamilton, commanding general of the new provisional army. His three chief lieutenants were members of Adams cabinet; Thomas Pickering, Secretary of State, James McHenry, Secretary of War and Oliver Wolcott, Secretary of the Treasury. Adams dismissed Pickering and McHenry in the

. . . the President's mission is become an apple of discord to the Federalists, that may so operate upon the ensuing election . . . as to put in jeopardy the fruits of all their past labours by consigning to men, devoted to the French innovations and demoralizing principles, the reins of government. . . .

A week later Washington replied to this confidential letter "with the contents of which I have been stricken dumb."

Indeed, "the apple of discord" was treason to many in the Federal ranks. The High Tories wanted war with France. It would secure the election of 1800 and destroy the Republican party. Years later, John Adams could write of his enemies in the party ⁶

peace with France, was, therefore treason against their fundamental maxims and reasons of state. . . . No wonder they hate the author of their defeat.

Once the mission departed for France in October, 1799, the party split became irrevocable.⁷ In December, the High Tories attempted to form a ticket which would exclude Adams. They only reluctantly abandoned the scheme when it was learned that New England would not desert the president.⁸

Maryland itself was a microcosm of Federal disunity. At the conclusion of the Fifth Congress (March 3, 1799), Representative John Dennis, of Worcester county, headed a delegation of Maryland Federalists who pledged their support to President Adams if he would institute a mission to make peace with France and dismiss McHenry and Pickering from the cabinet.⁹ Thomas Johnson, influential Montgomery county

spring of 1799 when he learned of their disloyalty. Wolcott continued in office (unsuspected by Adams) until February, 1801.

⁶ John Adams to William Cunningham, March 20, 1809. *Adams-Cunningham Correspondence, 1803-12*, edited by William Cunningham Jr., (Boston, 1823), p. 101.

⁷ The commission was headed by William Vans Murray, a Marylander. For an excellent study of the peace commissioners see "William Vans Murray and the Diplomacy of Peace: 1797-1800," *Maryland Historical Magazine*, XLVIII (1953).

⁸ Samuel Eliot Morison, *The Life and Letters of Harrison Gray Otis, Federalist, 1765-1848*, 2 vols. (Boston, 1913), I, 185; James McHenry to John McHenry, May 20, 1800, Gibbs, *op. cit.*, II, 347.

⁹ *Ibid.*, II, 352; C. F. Adams, *The Works of John Adams*, 10 vols. (Boston, 1850-56), IX, 48-49.

Federalist, urged Adams to pursue his peace policy and pledged his support in November.

On the other hand, "many of the leading men in Maryland . . . expressed their opinions that Mr. Adams ought not to be supported; his partisans say that a British faction exists in this country, and that the late measures [concerning the peace mission to France] were calculated to break up their party."¹⁰ The most influential of the anti-Adams Federalists in Maryland were Charles Carroll of Carrollton, venerable, titular head of the party and James McHenry, ex-secretary of war. Both men were confidants of Hamilton and both endorsed the latter's pamphlet attacking President Adams. In a rare outburst of anger, Carroll wrote to McHenry in November:¹¹

The President remarks that we are fallen upon evil times; I fear a great deal of the evil may be attributed to his shifting conduct, his passions, his indiscretion, vanity and jealousy . . . his integrity cannot compensate for his weaknesses, which unfit him for his present station. . . . Surely it must be admitted that Mr. Adams is not fit to be President, and his unfitness should be made known [by means of Hamilton's pamphlet] to the Electors and Publick; I conceive it a species of treason to conceal from the Publick his incapacity. . . .

Offsetting the antipathy of Carroll and McHenry, however, was the personal attachment to Adams of Benjamin Stoddert, Secretary of the Navy, Justice Samuel T. Chase, his brother Jeremiah, Philip Barton Key and lesser Federalists.¹² These latter men were determined to support Adams for re-election but apparently concurred with the decision of the party caucus to support both Adams and Charles Cotesworth Pinckney of South Carolina "without giving one a preference to the other."¹³

¹⁰ Oliver Wolcott to Chauncey Goodrich, July 20, 1800. Gibbs, *op. cit.*, II, 382.

¹¹ Charles Carroll to James McHenry, November 4, 1800. McHenry MSS, 2d Series, Library of Congress. Hamilton's pamphlet, *Letter from Alexander Hamilton concerning the public conduct and character of John Adams, Esquire, president of the United States* (New York: Printed for John Lang by G. F. Hopkins, 1800) was intended for private circulation among certain Federal leaders. Burr somehow obtained a copy and published it on the eve of the South Carolina election. Historians attribute the loss of that state to the publication of Hamilton's bitter attack on Adams.

¹² James McHenry to Oliver Wolcott, September 23, 1800. Gibbs, *op. cit.*, II, 419; Steiner, *op. cit.*, p. 463; Dauer, *op. cit.*, p. 255.

¹³ James McHenry, May 20, 1800. Gibbs, *op. cit.*, II, 347; Alexander Hamilton

On July 1st, Hamilton, leader of the Pinckney forces, cautioned Carroll: ¹⁴

. . . it is not advisable that Maryland should be too deeply pledged to the support of Mr. Adams . . . this gentleman ought not to be the object of the federal wish . . . if he is supported by the Federal party, his party must in the issue fall with him.

Admitting that most of the Federalist leaders "of the second class" continued to prefer Adams, the New Yorker urged Carroll to work for the election of Pinckney as president. Within a month, George Cabot informed Hamilton that Robert Goodloe Harper (soon to become the son-in-law of Charles Carroll) reported from Baltimore "that our friends may now count with some certainty, indeed, very great certainty on an unanimous vote for General Pinckney in Maryland."¹⁵ The Philadelphia *Aurora*, a leading Republican newspaper, gleefully editorialized on the three political parties in the nation; "the Republicans, the Adamites and the Pickeronians."¹⁶

2.

A perusal of Maryland newspapers indicates that the 1798 triad of Federalist laws, together with attacks on the aristocracy, the national debt and the "eight per cent loan" were the main weapons in the Republican campaign arsenal.¹⁷ The Federalists concentrated their heavy artillery on Jefferson's "atheism," his authorship of the Mazzei letter, his attachment to the principles of the French Revolution, the Virginia and Kentucky Resolutions and the "Jacobin" predilections of Re-

to Thomas Sedgwick, May 4, 1800, *The Works of Alexander Hamilton* edited by John Hamilton, 9 vols. (New York, 1831), VI, 436.

¹⁴ *Ibid.*, VI, 446.

¹⁵ George Cabot to Alexander Hamilton, August 21, 1800, Hamilton MSS, vol. 78, Library of Congress. Harper, still a South Carolina member of the House at this time was extremely active in Maryland politics during 1800.

¹⁶ *Aurora*, May 16, 1800.

¹⁷ At the insistence of Hamilton and Wolcott, the government floated a \$5,000,000 loan at eight per cent in 1800. The Republicans made much of the fact that Adams had recommended six per cent interest.

¹⁸ The "Mazzei letter" was written by Jefferson to a Tuscan friend at the height of the Jay Treaty quarrel in 1796. It contained several unfavorable references to President Washington and the "anglo-monarchical aristocracy" in the United States.

publicans in general.¹⁸ Jefferson was even accused of having introduced the Hessian fly into America.¹⁹

The Republican Congressional caucus had decided upon Thomas Jefferson and Aaron Burr as presidential and vice-presidential nominees respectively, and the state caucus at Annapolis endorsed the decision. The very idea of a caucus was so unpopular among the general populace, that both parties usually kept caucus news out of the public press. In Maryland, as elsewhere, Republican party organization consisted principally of a system of committees which nominated candidates and directed the party campaigns.²⁰

As early as March, 1800, Republican committees in Allegany, Washington and Frederick counties met and nominated a candidate for Congress. Correspondence committees, patterned on the pre-Revolutionary models, soon attracted the anger of the less well organized Federalists. The county convention, introduced in Baltimore after 1797 and in the counties after 1799, gradually replaced the old system of individual candidates bringing themselves before the public in the local press. By 1800, nominations were usually made by a third party at the county conventions. These latter assemblies (both Republican and Federalist) were usually "attended by numerous and respectable citizens."²¹

From the amount of Federalist press energy expended in attacks on Republican clubs, organizations and corresponding committees, and the relative silence of the Republican journals concerning Federalist "machinery" it seems safe to surmise that the latter were not well organized. Having been in power at both the state and national level for a dozen years and possessing patronage and wealth, it is likely that prior to 1800 there had been no need for party organization. The Republicans, on the other hand, as the "outs" had carefully built up a national and state organization in anticipation of the struggle of 1800.²²

¹⁸ Baltimore *American*, October 27, 1800.

²⁰ Easton *Maryland Herald*, September 4, 1800.

²¹ *Aurora*, March 31, 1800; Thomas Boylston Adams to William Shaw, September 13, 1800, "Letters of Thomas Boylston Adams, 1799-1823," *Proceedings American Antiquarian Society*, New Series, vol. 27 (Worcester, Mass., 1917), p. 128; George D. Leutscher, *Early Political Machinery in the United States* (Philadelphia, 1903), p. 103.

²² Cunningham, *op. cit.*, Ch. VII.

The newspapers of the state were, for the most part, Republican. Baltimore had both a Federalist and a Republican daily paper; the *Federal Gazette* and the *American*. The *Maryland Gazette* of Annapolis and the *Easton Eastern Shore Intelligencer* were Federal. Easton also had an opposition paper, the *Republican Star*. The *Maryland Herald*, Easton's third journal, leaned towards Republicanism. Fredericktown had a short-lived Republican paper, *Rights of Man*. The *Cabinet* and the *Centenial of Liberty*, both published in George-Town were quite sympathetic towards Jefferson. The *Maryland Herald* of Elizabethtown was Republican. The most influential German language newspaper in the state *Westliche Correspondenz*, published by John Gruber in Hagerstown was violently Republican.²³ Aside from the two Baltimore papers, most journals were published weekly or bi-weekly, depending upon advertisements, availability of news and disposition of subscribers.²⁴

The best organized and most efficient of all the Republican groups in Maryland was in Baltimore. General Samuel Smith, wealthy merchant, turned politician, directed party operations in the third largest city of the nation. The Republican Society of Baltimore, in existence since 1794, played an active and vigorous role in the campaign of 1800. Some idea of its make-up may be seen in the Fourth of July toasts which were drunk by the Society at Fell's Point. During the festivities, toasts were proposed to Maryland, George Washington, the United States of America, Thomas Jefferson, General Smith, France, the Republicans of Ireland and the merchants and mechanics of Baltimore.²⁵

The *Federal Gazette* voiced constant dislike and outrage at the daring of this Republican Society for having "insolently dictated to the people of Baltimore county whom they ought to choose to represent them as delegates to the General Assembly." The "dictation" consisted of regular advertisements in the *American*, calling upon Baltimore voters to support the Republican candidates! The Federalist journal pointed out that

²³ Dieter Cunz, *Maryland Germans* (Trenton, 1948), pp. 174-75.

²⁴ Apparently the *Federal Gazette* had a daily circulation of 1500, as large as most U. S. dailies.

²⁵ *American*, July 7, 1800. Baltimore, unlike the other major cities of the United States, was a stronghold of Republicanism before 1800.

only cities were "cursed" with Jacobin clubs; an irony which recalls Jefferson's attitude towards the mobs of great cities, as expressed in his *Notes on Virginia*. Aside from "their endless work in organizing all these city clubs," the *Federal Gazette* found fault with General Smith and "his republican townies" for "publically interferring in rural elections."²⁶

Despite the superior organization of the Republican party, Maryland was predominantly a Federalist stronghold in early 1800. From the time of the ratification of the Federal Constitution the Free State had been a loyal and conscientious supporter of Federalist policies. In the preceeding presidential elections, she had voted for Washington and Adams. Only in 1798 did the growing Republican strength manifest itself in the mid-term Congressional elections when the Jeffersonians picked up an additional Maryland seat in the House of Representatives. Although the Maryland Federalists numbered five, in the 6th Congress, to the Republicans three, it seems evident that without this additional Republican member in the Maryland delegation the crucial battle of February, 1801 might have gone against Jefferson.²⁷

The General Assembly could usually muster a two-to-one Federalist majority in the lower house while the Senate was entirely Federal. Every governor had been a Federalist since the formation of the Union. Briefly, a handful of influential, wealthy, conservative aristocrats dictated the choice of a majority of the state's voters. Not until 1800 was their power challenged and toppled by Republican opposition.²⁸

Early in the campaign year, it appeared quite uncertain that the Republicans would be able to carry the election in Maryland. In an attempt to stem the growing influence of Hamilton

²⁶ *Federal Gazette*, October 1, 1800. To reduce violence in city elections, the General Assembly divided Baltimore City into voting districts in 1798. In 1801 the *viva voce* method of voting was replaced by the ballot.

²⁷ *Infra*.

²⁸ According to the Constitution of 1776, suffrage in Maryland was extended to "all males, white or black, above the age of twenty-one, with freeholds of fifty acres in the county in which they live and vote, or property over the value of thirty pounds of current money, in the State, and resident in the county more than twelve months." Bernard C. Steiner, *Citizenship and Suffrage in Maryland* (Baltimore, 1895), p. 27. In 1800 Edward Lloyd sought to abolish the property qualification. The measure passed in the House of Delegates but was quietly amended to death in the Senate.

and the "Tory war party" the idea of a coalition with Adams caught the fancy of Maryland Republicans. Samuel Smith actually discussed the question with Benjamin Stoddert, but the Republican victory in New York and the split among the Federalists made the coalition scheme unnecessary.²⁹

Quite naturally, the vast majority of wealthy Marylanders were aligned with the Federalist party but the Republicans could boast of two extremely rich and able partisans: Edward Lloyd, largest slave holder in Talbot county and Samuel Smith, merchant prince of Baltimore. Next to Smith, the most influential of Maryland Republicans were John Francis Mercer and Judge Gabriel Duvall, Chief Justice of the General Court. Mercer, former member of the House of Representatives, was a fighter and intriguer par excellence in the cause of Jefferson. Duvall, as prolific with the pen as he was tireless on the speaker's platform, made his home in Annapolis the unofficial headquarters of the party. From here, and from Smith's residence in Baltimore, emanated the plans and strategy of the Jeffersonians.³⁰

3.

Quite unexpectedly, the Republicans were supplied with the most effective and deadly weapon of the whole campaign, and the Federalists supplied this instrument of their own destruction. This crucial issue concerned the method of selecting the presidential electors. From 1795 until 1833, presidential electors in Maryland were chosen by district ticket, a practice Maryland was the last of the states to abandon. In 1800, however, an attempt was made to change the system. In the failure of this attempt lies the decline of the Federalist party in Maryland.

As the results of elections in neighboring states became known during the spring and summer of 1800, Federal leaders determined to counteract the Republican *coup* in Virginia. The Republican legislature in the Old Dominion had changed

²⁹ Benjamin Stoddert to John Adams, October 27, 1801. Adams, *op. cit.*, X, 4.

³⁰ Perhaps the best reasoned and most logical of all the mass of political writing in the Maryland campaign was a series of six articles in defense of democracy written by Duvall and published in the *American* between June and October.

from a district to a general ticket in early 1800 to prevent one or two electoral votes going to Adams. The Republican measure was a brazen attempt to secure the entire electoral vote of Virginia for Jefferson.

Hamilton later suggested the same strategy to Governor Jay, when the Republican victory in New York threatened to put the Empire State at the side of Virginia. Jay's honorable but politically unwise reply, "Proposing a measure for party purposes which it would not become me to adopt," put an end to Federalist hopes in New York.³¹ In other states the system of selecting electors likewise became a political football. As early as February, 1800, the Boston *Columbian Centenial* called for a change in the election laws of every state where there was the least possibility of the Republicans winning a single electoral vote.³²

In July, a thirty-page pamphlet quietly found its way into the hands of every influential Federalist in Maryland.³³ Signed "Bystander," but written by the ubiquitous Robert Goodloe Harper, it urged a legislative choice of presidential electors. Within a week of its publication, Federal and Republican newspapers in Baltimore and elsewhere reprinted it with appropriate editorial comment. That the South Carolinian acted on orders or took upon himself the writing of the pamphlet is not clear, but within a month Hamilton instructed McHenry: ³⁴

. . . I think, at all events, Maryland had better choose by the Legislature. If you have a majority of Federal votes throughout, we can certainly exclude Jefferson and, if we please, bring the question between Adams and Pinckney to the House of Representatives. . . .

Accordingly, the Federalist party in Maryland ran candidates who advocated a legislative choice of presidential electors.³⁵ A

³¹ Beard, *op. cit.*, p. 372.

³² Boston, *Columbian Centenial*, February 8, 1800.

³³ Robert Goodloe Harper, *Bystander: or a Series of Letters on the "Legislative Choice" of Electors in Maryland* (Baltimore: Yundt and Brown, printers, 1800). The *Aurora* of September 20, 1800 observed that Harper "is busy distributing Bystander" on the eastern shore.

³⁴ Alexander Hamilton to James McHenry, August 27, 1800. Steiner, *op. cit.*, p. 466.

³⁵ Claude Bowers in *Jefferson and Hamilton* remarks that when the test came "the courage of the Marylanders failed and no change was made." p. 483. No

shrewd Virginia observer of the Maryland political scene had informed Jefferson of the Federalist plan before it was actually put into operation.³⁶

I was a few weeks ago called into Maryland. . . . I found whilst there that a considerable change in public opinion had taken place and I believe will manifest itself at the ensuing elections so as to confound the aristocracy of that state. This apprehension inclines many of them to attempt a change in the mode of chusing Electors. But the attention of the people is so alive on the subject that some of the hardiest of the Tories hesitate at making the experiment and are fearful of the consequences. Yet I believe it will be tried. . . .

The outcry from Republicans and some Federalists themselves was loud and instantaneous. The press of both parties was filled with arguments for and against taking the choice of electors from the people and investing it in the General Assembly. The average citizen became so aroused at this attempt to strip him of political power, that several Federalist candidates refused to take a public stand in favor of the legislative choice. Outspoken advocates of the move were pilloried in Baltimore and Washington newspapers. Charles Ridgley (of Hampton), Charles Ridgley (of William) and James Carroll, Federalist candidates for the House of Delegates from the city of Baltimore appealed in vain to the voters to fight fire with fire and match the Republican move in Virginia and Pennsylvania.³⁷

Discussing this proposal to "carefully refine the suffrage," a correspondent in the *Centenial of Liberty* succinctly observed, "you will vote for the man, who appoints the second, who chuses the third who elects the president." Over and over again, the Republicans cried that the Federalist proposal was proof of the monarchical inclinations of the aristocrats, and so it seemed to the average citizen.³⁸

Stung and shocked by this sudden storm of criticism, the

change was made, but only because the Federalists lost the election for advocating the very measure which Bowers states they abandoned.

³⁶ S. T. Mason to Thomas Jefferson, July 11, 1800. Jefferson MSS, vol. 107, Library of Congress.

³⁷ *Federal Gazette*, July 31, August 1, 5 and 7, September 11, 30, 1800; *American*, August 8, 19, 1800; *Centenial of Liberty*, July 18, 29, September 2, 12 and 23, 1800.

³⁸ *Ibid.*, September 5 and 26, 1800; *American*, August 8, 1800.

conservatives clumsily, undiplomatically insisted that the step was purely temporary to offset the "Jacobins" and that the choice would be returned to the people immediately following the election. Alexander Rind, Federalist editor in Washington, bitterly complained that it was monarchy both to support a legislative choice in Maryland and to oppose it in Pennsylvania according to the Republicans.³⁹

By late Summer, anti-Federal sentiment had so mushroomed that Charles Carroll sorrowfully took pen in hand to appraise Hamilton of the dangerous situation: ⁴⁰

I wish it were in my power to give you pleasing intelligence of the politics in this state. Our county (Anne Arundel), which was lately so federal, is at present much divided in the upper part. . . . I suspect there is a majority for anti-Federal candidates to our State Legislature. This change of sentiment has been principally effected by a few characters, who, profiting by the report that our legislature would take from the people the right of choosing the electors . . . have infused such jealousies in the minds of the people, that I fear the federal ticket will not prevail. . . . Notwithstanding the arts, and lies, and indefatigable industry of the Jacobins in this State, I am of the opinion a great majority . . . are friendly to the federal government and its measures.

The unhappy lord of Carrollton Manor concluded by hoping for a Federal House of Delegates and a "*pro hac vice*" legislative choice of electors.

Notwithstanding the blunder of injecting the electoral issue into the campaign, it is quite possible that the Federalists might have fared better in the election had they actively campaigned. Unlike their rivals, however, they were not united on their presidential choice, nor were they as "indefatigable" and enthusiastic. The tidings which Hamilton received from the poet-politician McHenry were as discouraging as Carroll's letter: ⁴¹

. . . What appears to be the present state of the public mind in Maryland as it respects the approaching election for President? As far as my observations extend, there is every symptom of langour,

³⁹ *Washington Federalist*, November 8, 1800.

⁴⁰ Charles Carroll to Alexander Hamilton, August 27, 1800. Hamilton, *op. cit.*, VI, 467-468.

⁴¹ James McHenry to Oliver Wolcott, October 12, 1800, Gibbs, *op. cit.*, II, 433.

and inactivity, with some exceptions, among the well informed Federalists. . . . Mr. Charles Carroll of Carrollton, did not go down to Annapolis, from his country residence, to aid in the election of members for our legislature. I also know many others who did not vote on the occasion. . . . Such my dear sir, is the sad situation into which a Federal state has been brought. Will Providence yet condescend to save us?

Terming the conduct of the Federalists "timid, tremulous, feeble, deceptive and cowardly," McHenry bitterly observed that "they write private letters . . . to each other but . . . do nothing to give a proper direction to the public mind." This latter criticism, coming from one of the busiest pens on the Atlantic seaboard, applied equally to the writer.

There were some Federalists in Maryland who actively campaigned throughout the summer and fall, and none more vehemently than Justice Samuel T. Chase. Federals and Republicans alike toured their districts in July and August, making speeches and shaking hands wherever they could assemble a crowd of voters. Opposing candidates often addressed the same audience from the same platform. This form of electioneering, known as canvassing, was quite common in most of the Southern states, though practically unknown in New England and New York. One of the best accounts of a Maryland canvass was written by Thomas Bolyston Adams, son of President Adams.⁴²

The Supreme Court are waiting for the Hon'ble Judge Chase who is said to be too much engaged in Electioneering, to be able to attend. He is the only man in Maryland perhaps, able to cope with Mercer at, what they call, a canvass. These are always held, in different parts of the state of Maryland . . . when there is known to be a great concourse of people—at a horse race—a cock fight—or a Methodist quarterly meeting. Here, the candidates for political honors . . . assemble with their partisans—they mount the Rostrum, made out of an empty barrell. . . . Harrangue the Sovereign people. . . . Such was the mode pursued lately at Annapolis and Elk Ridge and elsewhere. Colonel Mercer, who is a Sovereign Demagogue—a fluent and audacious Speaker and a deadly Jacobin—is running

⁴² Thomas Boylston Adams to William S. Shaw, August 8, 1800. T. B. Adams *Letters*, pp. 120-22. Shaw was a cousin of young Adams and private secretary to the President.

as a member of the Assembly. Mr. Key [Philip Barton] . . . is also a candidate, but in a different district. These gentlemen met upon the same ground at Annapolis, and canvassed for votes. Key was at home, Mercer was in some measure a stranger, but the contrast . . . was very striking. Key triumphed and Mercer slunk away. But at the next place of meeting Mercer played the perfect Buffoon to the singular entertainment of the Sovereign Assembly. He laughed, he cried, he stormed by turns, by turns he was placid. . . . He abused and vilified President Adams administration and extolled the virtues of George Washington and Mr. Jefferson.

Certainly a jaundiced view of democracy in action, but no more so than that of another Federalist traveler in Maryland who shuddered at the sight of candidates "soliciting the favor of individuals, with whom they associate on no other occasion, and men of the first consideration condescending to collect dissolute and ignorant mobs of hundreds of individuals, to whom they make long speeches in the open air."⁴³

Two of the largest canvasses of the summer were arranged by the Republicans and held at Annapolis and Elk Ridge in late July. As young Adams remarked, Mercer and Chase were the principal attractions at each gathering. The patience (if not the interest) of the Elk Ridge assembly appears quite remarkable when contrasted with the staying power of a modern voter. The *Centenial of Liberty* reported that Colonel Mercer was on his feet for four hours, "frequently interrupted by the contradictions and buffoonery of Samuel Chase," while the latter took another two hours to deliver the Federalist rebuttal to Mercer's attack. Militia gatherings and even church services were frequently the scene of campaigning by candidates of both parties.⁴⁴ Considering the heat of the campaign and the tempers of both ultra-Federalists and extreme Republicans, violence was relatively rare.⁴⁵

Competing with the excitement of Gabriel's uprising in Virginia, peace in Europe and yellow fever in Baltimore, the candidates of both parties made their final appeal to the voters of Maryland in late September and early October.⁴⁶

⁴³ Oliver Wolcott to Fisher Ames, August 10, 1800. Gibbs, *op. cit.*, II, 404.

⁴⁴ *Centenial of Liberty*, Aug. 15, 1800; *American*, Aug. 22, 1800; *Maryland Gazette*, October 2, 1800. *Centenial of Liberty* Sep. 5 and 26, October 3, 1800.

⁴⁵ *American*, October 22, 1800.

⁴⁶ Federalists attributed the slave insurrection to French influence and accordingly blamed the Republicans.

4.

On October 6, 1800, some 20,000 Maryland voters walked and rode to the polling places throughout the sixty-six voting districts of the state and ministered a sound drubbing to the Federalist party.⁴⁷ Not only was it the first defeat of any importance which the party had suffered, it marked the beginning of the end of Federal rule in the state and nation.

The new House of Delegates had a Republican majority of ten in a total membership of eighty. Of the eight members elected to the Congress, five were Jeffersonians. Federalist majorities were recorded only in the old conservative strongholds; the five lower counties of the eastern and western shores (St. Mary's, Charles, Dorchester, Somerset and Worcester), the Potomac river counties of Prince Georges and Montgomery and the western county of Allegany. It is likely that a slave insurrection in Virginia, attributed to French agitation by Federalists, hurt the slight Republican chance for victory in these six heavy slave counties.⁴⁸ The remaining eleven counties of the state, together with the towns of Annapolis (stronghold of the old Federal party!) and Baltimore, were overwhelmingly Republican.⁴⁹ The contests in Talbot and Calvert were relatively close, but the Republicans elected three of the four members to the House of Delegates in each county.⁵⁰ Allegany county went Federalist by a majority of only ninety-three votes. Worcester, Somerset and St. Marys were the three areas wherein Republican strength was nil.

Irregularities in the voting procedure were charged by both parties, but it does not appear that multiple voting, the ballots

⁴⁷ According to Leutscher's study of Maryland suffrage during this period, the average Federal and State Election returns for 1799-1800 were 20,139 in a total white population of 216,326. The ratio of actual voter to the white population stands at .090 for 1800. Leutscher, *op. cit.*, pp. 25 and 60.

⁴⁸ These eight Federal counties comprised but 32% of the total white population of the state but almost 50% of the slave population.

⁴⁹ Some Federalists attributed the Republican vote in the farming regions to rural distrust of the growing power of Baltimore—citadel of Jeffersonianism in the state! See Tyler, *op. cit.*, p. 90.

⁵⁰ Among the defeated candidates in Calvert county was the young Roger Brooke Taney whose endorsement of a legislative choice of electors cost him his bid for reelection to the House of Delegates. The single Federal candidate in Talbot county who won his contest ran on a ticket *opposing* a legislative choice of electors.

of free negroes or the votes of paupers were of any considerable importance in the total vote.⁵¹

It is difficult to explain this party defeat without attributing it, in the main, to the electoral issue and the division within the Federalist ranks. There were other issues which also contributed to the Republican victory. The Germans of the state, like their relatives in Pennsylvania, loyal supporters of Federalism until 1798, had gone over in droves to the opposition with the passage of the Alien and Sedition Acts. The report that the Federals wished to change the government into a monarchy also alienated the Germans.⁵² Farmers in the northwestern and northeastern counties were unhappy at the direct tax on land. Businessmen complained about the high rate of interest and the mounting national debt. Military expenditures, now that the quarrel with France had been settled, seemed inexcusable to thrifty citizens. The aristocratic behavior of the Federalists, their long tenure in office, their association with wealth and commercial interests, their great manorial estates—these and countless other political intangibles undoubtedly added to their unpopularity in an age characterized by growing democratic principles. In Calvert county the only Federal candidate to canvass for votes was Roger Brooke Taney. He spoke three or four times to crowds who jeered and heckled him “in humiliating fashion” for being an aristocrat.

In an election post-mortem article, a Federalist correspondent who signed himself “Minos” confessed that advocacy of a legislative choice of the electors overwhelmed the federal candidates, not any of the principles for which they stood. Unable to grasp the full significance of the rise of democracy among the mass of voters, “Minos” nonetheless put his finger on one of the causes of his party’s defeat when he writes: ⁵³

It is a fact that these forty democrats could not have been elected by the democratic party, without the assistance of many federals, who preferred them; not on account of their political principles but because they pledged themselves to oppose a legislative choice of the electors. . . .

⁵¹ Philip Barton Key to Ephraim Wilson, October, 1800. Philip Barton Key MSS, box K, Library of Congress.

⁵² Cunz, *op. cit.*, pp. 174-178.

⁵³ *Federal Gazette*, October 25, 1800.

Actually, there were forty-six Republicans elected to the House of Delegates. Elsewhere, in the press and in private correspondence, the Federalists bemoaned the blunder of the elector issue and admitted that many members of the party had either not voted or had supported Republican candidates.⁵⁴

There was still another opportunity for the Federals to recoup their losses. The October election had ended any chance of securing a legislative choice of the presidential electors. Accordingly, the voters of the state would again march to the polls on the second Wednesday in November to cast their ballots for the electors. Between October 6th and November 10th, however, it is difficult to note any heightened efforts on the part of the conservatives to secure the election of a Federal slate. The majority of them seemed deep in apathy, and unhappy McHenry confided to his old cabinet crony: ⁵⁵

Tomorrow, the electors of this state are to be chosen by the people in their respective districts. Here, we shall make little or no exertions for the federal candidate; not from any indifference to the good old cause, but from a kind of conviction that our labour would be lost, and an opinion pretty generally imbibed of the utter unfitness of one of the Federal candidates to fill the office of President. . . .

Despite this typically apathetic attitude, the Federalists succeeded in electing five of the ten presidential electors to which the state was entitled.⁵⁶

Although the press of the period is relatively silent on the November electioneering, the outcome of the contest indicates that the faith of Charles Carroll and "Minos" in the basically Federal tendencies of the state was not without some foundation. Once the October election ended the threat of an usurpation of the suffrage, it appears that Federal mavericks returned to the fold and dutifully cast their vote for the party slate in November. Republican leaders bemoaned "the caprice" of Frederick county voters, who, in October, had elected four Republicans to the House of Delegates and one to Congress. In November, these same voters of Frederick chose

⁵⁴ *Ibid.*

⁵⁵ James McHenry to Oliver Wolcott, November 9, 1800. Gibbs, *op. cit.*, II, 445.

⁵⁶ Easton *Eastern Shore Intelligencer*, December 16, 1800.

a Federalist as presidential elector.⁵⁷ From the scattered figures available, the popular vote for presidential electors was very light throughout the state. Of the 6,000 eligible voters in Baltimore City (almost thirty per cent of the entire voting population of the state), only 1900 Republicans and Federalists voted on November 10th. Perhaps the fever pitch of the October contest had been too high to sustain itself for another month.

On December 3d, the Maryland electors assembled in Annapolis, and "without debate," cast five votes each for Jefferson, Burr, Adams and Pinckney. When the 138 electoral votes of the sixteen states were tallied, Jefferson and Burr, each with seventy-three votes, were tied for the presidency. John Adams had received sixty-five, C. C. Pinckney, sixty-four and John Jay, one. The Federalists had lost the election, but the Republicans had not yet won it.⁵⁸

The admirable discipline of down-the-line voting by Republican electors had resulted in a tie between Jefferson and Burr although everyone had voted for Jefferson as president. The glaring weakness of the constitutional provision which made no distinction between the two names on the one ballot was now fully revealed. Victory, which had seemed assured, now receded into uncertainty. The election was to be decided in the House and it was top heavy with Federalists. Worse still, of Maryland's eight representatives, five were Federalists.

5.

The struggle which raged from Wednesday, February 11th, until Tuesday, February 17th, in the unfinished Capitol in the nation's new seat of government was a fitting climax to the political drama which closed the eighteenth century. The Federalists were more than satisfied to have the House of Representatives decide the election. The House, while it did not actually possess a solid Federalist majority, contained sufficient strength to defeat Republican wishes.

Congressional leaders of the conservative party, ignoring the advice and pleas of Hamilton, decided to support Burr for the

⁵⁷ *American*, November 15, 1800.

⁵⁸ *Annals of Congress*, 6th Congress (1800), 743-744; Edward Stanwood, *A History of the Presidency From 1788 to 1897* (Boston, 1898), Ch. V.

presidency. Most Federalists in Washington considered the New Yorker far less a threat to the commercial and financial interests of the nation than the "wild doctrinaire" of Monticello, whom Charles Carroll considered scarcely fit to rule the tiny republic of San Marino.⁵⁹

Counting on Burr's ambition to win his connivance in the plot against Jefferson, the Federals believed that enough northern Republican votes would desert the Virginian to insure the choice of Burr as President. In this connection historians have long debated Burr's role. As we shall see, there is scarcely sufficient evidence to warrant the assumption that he deliberately encouraged this political chicanery. His own reputation for intrigue and plotting notwithstanding, it appears that the Federalists simply took him for granted.

On December 16th, Burr wrote to Samuel Smith, Maryland Republican in the House of Representatives: ⁶⁰

It is highly improbable that I shall have an equal number of votes with Mr. Jefferson; but if such should be the result, every man who knows me ought to know that I would utterly disclaim all competition. Be assured that the federal party can entertain no wish for such an exchange. . . . And I now constitute you my proxy to declare these sentiments if the occasion should require.

Despite the tone of this letter—or perhaps because of it—the Federalists circulated word that it was to be ignored. Bayard, writing to Hamilton, remarked: ⁶¹

. . . it is here understood to have proceeded either from a false calculation as to the result of the electoral votes, or was intended as a cover to blind his own party. . . .

Maryland Federalists in Washington were variously involved

⁵⁹ Thomas Sedgwick to Alexander Hamilton, January 10, 1801, Hamilton MSS, Library of Congress; Hamilton to Oliver Wolcott, December 16, 1800, Henry C. Lodge, *The Works of Alexander Hamilton* 9 vols., (New York, 1885-86), VIII, 565; John Vaughan to Thomas Jefferson, January 10, 1801, Jefferson MSS, vol. 108, Library of Congress.

⁶⁰ Aaron Burr to General Samuel Smith, December 16, 1800, Matthew L. Davis, *Memoirs of Aaron Burr* 2 vols. (New York, 1837), II, 75. See also Edward Livingston's letter to Burr, *ibid.*, II, 96-97.

⁶¹ James Bayard to Alexander Hamilton, January 7, 1801, Hamilton, *op. cit.*, VI, 506. McHenry also discounted the letter. McHenry to Hamilton, December 31, 1800, McHenry MSS, box 5, Library of Congress.

in the political maneuvering backstage.⁶² From Baltimore they received Hamilton's instructions, via the trusty McHenry, to support Jefferson. Charles Carroll, Senator William Hindman and Robert Goodloe Harper, on the other hand, urged a vote for Burr. Of the five Federalists in the House, George Baer, John Dennis, William Craik and John Thomas favored Burr. The fifth Federalist, George Dent, wealthy landowner of Charles county, deserted his colleagues and voted for Jefferson. The alignment of Dent with the three Maryland Republicans, Samuel Smith, John Nicholson and George Christie, divided the Maryland vote equally and prevented Burr carrying the state.

The citizens of Maryland, Federalist as well as Republican, suddenly became fearful that the failure to elect Jefferson would result in removal of the national capital from the Potomac. Petitions by the score poured in upon Baer, Craik, Thomas and Dent, urging a vote for the Virginian.⁶³ Dent, however, was the only Federalist to bow to the demands of his constituents. Albert Gallatin, Republican leader in the House, confided to his wife the second day of balloting, "our hopes of a change . . . are exclusively with Maryland."⁶⁴

In the midst of great excitement—which included a shameful Federalist plot to continue balloting until the legal administration expired and then to turn the government over to Chief Justice Jay—and talk of civil war, balloting by states commenced on February 11, 1801.⁶⁵ As had been expected, Jefferson received eight votes (New York, New Jersey, Pennsylvania, Virginia, North Carolina, Georgia, Kentucky and Tennessee), Burr six (New Hampshire, Massachusetts, Rhode Island, Con-

⁶² James McHenry to William Hindman, January 20, 1801, McHenry MSS, 2d series, Library of Congress; William Hindman to McHenry, January 17, 1801, *Ibid.*, Uriah Tracy to James McHenry, January 15, 1801, McHenry MSS, Library of Congress; Charles Carroll to Charles Carroll Jr., February 8, 1801, Kate M. Rowland, *The Life of Charles of Carrollton; 1737-1832*, 2 vols. (New York, 1898), II, 249.

⁶³ Albert Gallatin to James Nicholson, February 14, 1801, Henry Adams, *The Life of Albert Gallatin* (Philadelphia, 1879), p. 261; J. Fairfax McLaughlin, *Matthew Lyon, the Hampden of Congress* (New York, 1900), pp. 387-88; Richard Hildreth, *The History of the United States of America* 6 vols., (New York, 1851), V, 403-04.

⁶⁴ Albert Gallatin to his wife, February 12, 1801, Henry Adams, *op. cit.*, p. 261.

⁶⁵ Jefferson's view of this bizarre Federalist plot is contained in his letter to Tenche Coxe, December 31, 1800, Jefferson MSS, vol. 108, Library of Congress. See also James Monroe's letter to Jefferson, January 6, 1801, which describes the same plot, Jefferson MSS, Library of Congress.

necticut, Delaware and South Carolina) on the first ballot. Two states (Maryland and Vermont) were divided. Nine states were necessary to elect the President.⁶⁶

By mid-night of the 11th, nineteen ballots had been cast and the result was the same in each; eight for Jefferson, six for Burr and two divided. Gradually, all attention centered on the divided states. The switch of either Maryland or Vermont to Jefferson would assure the latter's election. Their deciding for Burr would result in an ominous stalemate.

The political drama was further heightened by the courageous role of a Maryland member of the House. John Nicholson, thirty year old representative from the 7th Congressional District, was seriously ill when balloting commenced. Knowing that his absence from the House would give his state's vote to Burr, he arranged to be carried to the capitol building in the midst of a blinding snowstorm, the morning of the 11th. For seven days and six nights he lay dangerously ill in a drafty committee room but somehow managed to cast a vote for Jefferson in every round of balloting. "I would not thus expose myself for any President on earth," observed a less stout-hearted Federalist.⁶⁷

On February 16th, when the thirty-fourth ballot proved no different than the first, the most influential of southern Federalists took matters into his own hands. James Bayard, Delaware's single representative in the House, determined to withdraw his vote from Burr, thus giving the election to Jefferson. Writing to his father-in-law, Governor Bassett of Delaware, Bayard explained his decision in one of the most revealing letters written during the struggle in the House:⁶⁸

⁶⁶ *Annals of Congress*, 6th Congress, 2d Session, pp. 1022-1030 contains the record of the balloting in the House.

⁶⁷ Morison, *op. cit.*, I, 207-08. Henry S. Randall, *Life of Thomas Jefferson* 3 vols. (New York, 1858), II, 594-95; J. Thomas Scharf, *History of Maryland* 3 vols. (Baltimore, 1879), II, 602; *Washington National Intelligencer*, February 13, 1801.

⁶⁸ James Bayard to Bassett, February 16, 1801, Elizabeth Donnan, editor, "Papers of James A. Bayard," *American Historical Association Report* 1913, (Washington, D. C., 1915), II, 126-27. For additional light on Bayard's decision see his letter to McLane, February 17, 1801, *Ibid.*, II, 127-28 and "Harper to his Constituents," February 24, 1801, *Ibid.*, II, 133-37. George Baer explains Maryland's role in the decision in his letter to Richard Bayard, April 19, 1830, Davis, *op. cit.*, II, 114-19.

We have yet made no President but tomorrow we shall give up the contest. Burr has acted a miserably paultry part. The election was in his power, but he was determined to come in as a Democrat. . . . Some of our Gentlemen from an intemperate hatred of Jefferson were disposed to proceed to the most desperate extremities. Being perfectly resolved not to risk the constitution or a civil war. . . . I therefore considered it time to announce my intention of voting for Jefferson . . . violent spirits of the party denounced me as a Deserter. . . . I procured a general meeting, explained what I had done and what were my motives and found a general disposition to acquiesce. We meet again tonight merely to agree upon the mode of surrendering. . . .

This single letter sheds considerable light on several important aspects of the struggle. First, it shows Burr's refusal to enter into a "deal" with the Federalists.⁶⁹ Secondly, it reveals that certain Federalists preferred civil war or abandonment of the constitution rather than the election of Jefferson. Thirdly, it tacitly acknowledges the determination and unity of the Republicans in their support of the Virginian. Finally, and most important of all, it indicates that the majority of Federalists, in spite of their dislike and fear of Jefferson, were not willing to endanger the Union in order to keep him out of the White House.

Bayard, together with the Maryland Federalists and Morris of Vermont were representative of these moderate Federalists who placed nation above party. In the hands of these half dozen men rested not only the election of Jefferson, but perhaps the fate of the Union. Baer, the leader of the Maryland Federals in the House, castigated Burr for the lack of "effort on the part of himself or his personal friends to produce his election." In the face of Burr's behavior, Baer and the others "resolved to abandon the contest."⁷⁰

Once they agreed upon their course of action, these few

⁶⁹ In early January, Samuel Smith conferred with Burr in Philadelphia. What took place at the meeting is not known, but on January 11th, Smith wrote Burr that "in my own opinion (and *I have good reasons*) [Smith's underscoring] Maryland will make the ninth state [for Jefferson]." (Samuel Smith MSS, box Z, Library of Congress). Professor Beard in his *Economic Origins of Jeffersonian Democracy*, p. 404 misconstrues General Smith's visit with Burr in Philadelphia as a Federalist approach to Burr.

⁷⁰ George Baer to Richard Bayard, April 19, 1830, Davis, *op. cit.*, II, 118.

Federalists quite understandably sought to ask a price of Jefferson for their support. Bayard conferred with Samuel Smith, intimate of Jefferson, on Friday, February 13th. The Federalists sought some "proper understanding" with Jefferson that, in the event of his election through Federal support, he would maintain public credit and commerce, continue the present navy system and remove no subordinate office-holders from federal positions on mere political grounds.

It is impossible here to fully examine this controversial charge of a "pre-election deal" between Jefferson and the Federalists. Suffice it to point out that General Smith knew Jefferson's opinions were not unfriendly to any of the points insisted upon by Bayard. Accordingly, Smith appears to have left Bayard with the impression that his reply was "authorized" by Jefferson. That Jefferson did or did not give any such guarantee was an argument which the principals carried on long after the election.⁷¹

Rather than actually vote for Jefferson, the Maryland, Delaware and Vermont Federalists cast blank ballots on the thirty-sixth vote. Smith, Christie, Nicholson, Dent and Lyon thus carried Maryland and Vermont and on February 17, 1801, Thomas Jefferson, apostle of agrarian democracy, was elected President of the United States.

6.

The explanation of this "party revolution of 1800" lies less in a discussion of Federal weaknesses, blunders and party disunity than in a long range view of the American political spectrum. The wonder is not that the Federalists lost the election of 1800, but that they had managed, for more than a decade to stay the march towards democracy which characterized American history from earliest colonial days. Reviewing the election almost a hundred years later, an American historian remarked: ⁷²

⁷¹ The literature on this quarrel is as voluminous as it is confusing. Perhaps the best summary is contained in the pro-Bayard pamphlet, *Documents Relating to the Presidential Election in the Year 1801* (Philadelphia, printers, 1831). Professor Beard remarks apropos of the quarrel that Jefferson's "election immediately followed what the Federalists regarded as 'a proper understanding.'"

⁷² Anson R. Morse, "Causes and Consequences of the Party Revolution of 1800," *American Historical Association Report* (Washington, D. C., 1894), pp. 538-39.

The attitude of the mass of the people toward the beneficial changes made by the Federalists had been either reluctant acquiescence or passionate opposition; only in a slight degree had they unlearned the provincialism and the unbalanced democracy that had produced the calamities of 1786. . . .

This observation, with minor modifications, is quite descriptive of the political situation in Maryland in 1800.

Here, a handful of leading citizens—men of position, wealth and influence—had dominated politics for so long that by 1800 they were “overly sanguine.” The factional quarrel between the “Adamites” and the “Pinckeronians” served only to divide their poorly organized forces. The death of George Washington still further weakened them.⁷³

The Republicans were more ably led, better disciplined and more “indefatigable” campaigners than the apathetic Federalists during the summer and fall of 1800. The unpopular measures of Adams’ administration, especially the Alien and Sedition Acts, the provisional army and the direct tax alienated agrarian interests in the state which had formerly acquiesced in or supported the Federal program. Most important of all, and this single blunder of itself accounts for their defeat, the Maryland Federalists foolishly injected the issue of a legislative choice of presidential electors into the crucial campaign. This conservative blunder brought into the open the long felt fear that the aristocrats of Maryland were essentially anti-democratic. As a result, the people of the state were amazingly aroused at this brazen move to rob them of a political right. No matter that the Republicans in Virginia did the same thing or that the followers of Jefferson attempted the same in Pennsylvania. In Maryland, the shoe happened to be on the other foot . . . an aristocratic foot!

James McHenry touched upon a major weakness of his party when he observed that Federalist leaders in Maryland spent most of their time writing private letters to one another. Town and manor life was perhaps too seductive for wealthy aristocrats. It is not always easy to feel the pulse of a people from gilded drawing rooms or spacious porticos. The Federals had “never

⁷³ Arthur M. Schlesinger, *New Viewpoints in American History* (New York, 1922), p. 57.

sought contact with the average man," and by 1800 the average man was demanding his share in government. The Federalists had lived too long with the idea that government belongs to the well-educated and the well-to-do. How else to explain their bold attempt to "refine the suffrage"? Further, Maryland's Federal party was formed primarily of commercial interests and great landowners whereas the vast majority of Marylanders earned their living from the soil they actually worked. It was expecting too much to suppose that this agrarian majority would continue passive under Federalist rule once leaders appeared to direct their ambitions and exploit their local loyalties.

Back in his beloved Braintree, John Adams reflected in late 1801: ⁷⁴

No party that ever existed knew itself so little or so vainly over-rated its own influence or popularity as ours. None ever understood so ill the causes of its own power or so wantonly destroyed them.

Many a thoughtful Maryland Federalist must have wholly agreed with the ex-president.

⁷⁴ Adams, *op cit.*, IX, 582.

THE MARYLAND PENITENTIARY IN THE AGE OF TOCQUEVILLE, 1828—1842^{*}

By MARVIN E. GETTLEMAN

1

DURING the 1830s a stream of European visitors crossed the Atlantic to study American prisons. Among them were two young French aristocrats, Gustave de Beaumont and Alexis de Tocqueville, who arrived in New York in May, 1831. Beaumont and Tocqueville inspected all the important penal institutions in the United States, studied prison reports and legislative documents and, after their return to France, published an exhaustive study of *The Penitentiary System in the United States*.¹ This report was immediately recognized as a major contribution to the subject and was swiftly translated into English. There was no American work to compare with it, and the other contemporary studies by European observers were not of the same scope. The publication of *The Penitentiary System* was received with interest and pride in America while it provoked a great debate on prison reform in the French legislature.²

^{*} An earlier draft of this paper was presented to the American history seminar of The Johns Hopkins University on March 16, 1959. I am indebted to Professor Wilson Smith of that seminar and to Mr. Michael Parenti of the State University of New York for suggestions and criticism. I also wish to thank Warden Vernon L. Peppersack of the Maryland Penitentiary, and his staff, for their kind help.

¹ Gustave de Beaumont and Alexis de Tocqueville, *du Système pénitentiaire aux États-Unis et de son application en France* (Paris, 1833). English translation by Francis Lieber, Philadelphia, 1833. Their visit is ably chronicled in George W. Pierson, *Tocqueville and Beaumont in America* (New York, 1938).

² The only comparable document is William Crawford's patronizing *Report . . . on the Penitentiaries of the United States Addressed to His Majesty's Principal Secretary of State for the Home Department* (London?, 1835). A later English study, Francis Gray's *Prison Discipline in America* (London, 1848) more nearly approaches that of Beaumont and Tocqueville in scope. The

Issues of reform stirred deeply-rooted philosophical views and were matters of intense controversy in the early nineteenth century. "There is no object of legislation in this country," observed a writer in *The North American Review*, "that excites more various opinions than that of the penal code and the system of punishment to be adopted under it." Beaumont and Tocqueville too were amazed to find that summaries of the reports of prison inspectors were printed in the "immense numbers" of American newspapers and became objects of public controversy.³ Part of the significance of nineteenth century penological disputes lies in the fact that they illustrate the potency of ideas in that "Age of Ideology."

The public debate on penology in the years of Tocqueville's visit to and study of America was vigorously sustained by partisans of two major schools of thought—adherents of the "Philadelphia system" and supporters of the rival "Auburn system."⁴ In America at least the Auburn system, prevalent at the New York state and other prisons, seemed to be the most popular. Auburn was fortunate in gaining the support of the prison reformer, Louis Dwight, head of the influential Boston Prison Discipline Society.⁵ But the Philadelphia system did not lack

French debate is discussed in John H. Cary, "France Looks to Pennsylvania. The Eastern Penitentiary as a Symbol of Reform," *Pennsylvania Magazine of History and Biography*, LXXXII (April, 1958), 186-203. To the *American Quarterly Review* (XVIII [December, 1835], 453) the studies by European visitors demonstrated that "the New world, it would seem, is become the seminary of the old."

³ [J. T. Austin] in *The North American Review*, XIII (October, 1821), 417; Beaumont and Tocqueville, *du Système pénitenciaire*, p. 57.

⁴ There is now an extensive scholarly literature on the rival systems. Some of the most acute observations are still in Beaumont and Tocqueville, *du Système pénitenciaire*, 37-50 and *passim*. The Auburn prison is most carefully studied in Ralph S. Herre, "The History of Auburn Prison from the Beginning to about 1867" (unpublished doctoral dissertation, Pennsylvania State College, 1950); its chief rival in, Negley K. Teeters and John D. Shearer, *The Prison at Philadelphia, Cherry Hill: The Separate System of Penal Discipline, 1829-1913* (New York, 1957). The states embodying these rival systems are the subjects of two important studies: Philip Klein, *Prison Methods in New York State* [Columbia University Studies in History . . . no. 205] (New York, 1920); Harry E. Barnes, *The Evolution of Penology in Pennsylvania: A Study in American Social History* (Indianapolis, 1927). See also Blake McKelvey, *American Prisons: A Study in American History Prior to 1915* (Chicago, 1936), chapters i, ii; Orlando F. Lewis, *The Development of American Prisons and Prison Customs . . . , 1776-1845* (Albany, 1922), chapters iii, ix, x, xi; Alice F. Tyler, *Freedom's Ferment: Phases of American Social History to 1860* (Minneapolis, 1944), pp. 274-283.

⁵ Dwight headed the Boston Prison Discipline Society from 1825 until his death in 1854. A tyrant, he refused to hear criticism of the Auburn system.

its own able supporters, including Francis Lieber, translator of the Beaumont and Tocqueville report.⁶ The young Frenchmen realized that the object of their study was often obscured by clouds of partisanship, and they determined to make their contribution thorough and objective. They succeeded in both.

2.

Since the development of the Maryland Penitentiary in the years between 1828 and 1842 was strongly conditioned by the controversy between Philadelphia and Auburn factions, it is necessary to consider briefly the issues that divided them.

The Auburn system took its name from the New York state prison at Auburn, west of Syracuse in the Mohawk valley. Opened in 1819, the Auburn prison did not evolve or rationalize its "system" until the prisons in Pennsylvania began to attract favorable attention.⁷ In the operation of the penitentiaries of both states, and indeed, in the sentiment of the times was implanted the doctrine that *isolation* of some kind was the ideal ingredient of prison discipline. There was perfect agreement among the rival prisons, said Francis Wayland, "in all the more important points, in the *theory* of prison discipline."⁸ At Philadelphia the ideal of isolation was applied in its most literal form—solitary confinement. A prisoner at Cherry Hill penitentiary there, in the 1830s, was placed in his own cell on arrival and remained there for the whole length of

The Society itself was the self-appointed arbiter of prison discipline in the United States. See McKelvey, *American Prisons*, pp. 9-10, 29. In this role the BPDS was very much like other nineteenth century American reform groups, founded in the spirit of moral stewardship. See discussion of these Societies in Clifford S. Griffin, *Their Brothers' Keepers: Moral Stewardship in the United States* (New Brunswick, New Jersey, 1960).

⁶ A recent student has brought Lieber's integrity as a moral philosopher into question since he presumed to clutter up "Beaumont's and Tocqueville's dispassionate study of American prisons with his essays and statistics favoring the Philadelphia plan." Wilon Smith, *Professors and Public Ethics: Studies of Northern Moral Philosophers before the Civil War* (Ithaca, 1956), p. 109. But a contemporary Philadelphia journal praised Lieber for appending "... to the body of the work many notes, in which the erroneous position of the writers are contested and refuted, and the causes of their misapprehensions explained." *American Quarterly Review*, XIV (September, 1833), 254.

⁷ See the brief historical account in *Letter of Gershom Powers, Esq. In Answer of the Hon. Edward Livingston, in Relation to The Auburn State Prison* (Albany, 1829), pp. 6-10.

⁸ [Francis Wayland] in the *North American Review*, LXIX (July, 1839), 29.

his term. It was thought that in solitary confinement "the causes which led to crime" would be best removed.

The morbid influences of evil habits, associations, and persons are withdrawn—he [the prisoner] is thrown back upon himself . . . [and] if, in his cell he . . . refers his conduct to his Creator . . . , his incarceration, which was regarded as a privation may come to be esteemed as his greatest blessing.⁹

In 1829 labor was introduced at Cherry Hill and the motto of that prison was changed from "solitary confinement" to "solitary confinement with labor."¹⁰ With that change the Philadelphia system, in the eyes of its supporters, was rendered absolutely perfect. They broadcast its virtues extravagantly, and while defending the system, declared that it needed no defense. "It rests upon the immoveable basis of philosophy confirmed by experiment."¹¹

Unlike the situation in the Quaker city, at Auburn reformation of the prisoners was not a prime consideration. Elam Lynds, Auburn's stern warden, told Tocqueville that the reform of prisoners was a pious wish, possible only with the very young.¹² The Auburn variation on the main theme of isolation was termed "moral isolation" to distinguish it from the Philadelphia system of day-and-night solitary confinement.¹³ Under the Auburn discipline docile and efficient, not reformed, prisoners were produced. Moral isolation was achieved by prohibiting any communication whatsoever between the prisoners as they worked and dined together by day. Infractions were swiftly punished by a keeper who flourished a many-thonged whip, called the "cat."¹⁴ Prison discipline at Auburn according to Lynds was a matter "of continually maintaining labor and silence, and to succeed it is necessary to be . . . pitiless and just."¹⁵ Although together by day, the Auburn prisoners slept

⁹ *American Quarterly Review*, XIV (September, 1833), 237.

¹⁰ *Ibid.*; Teeters and Shearer, *The Prison at Philadelphia*, p. 141.

¹¹ *American Quarterly Review*, XVIII (December, 1835), 473.

¹² Alexis de Tocqueville, *Oeuvres complètes* (Mayer ed.: Paris, 1951-57), V, 66.

¹³ "L'isolement moral," in the words of an anonymous Swiss penal pamphleteer. *Quelques mots sur le Système pénitentiaire* (Genève, 1838), p. 5.

¹⁴ Herre, "History of Auburn Prison," p. 108; Gershom Powers, *A Brief Account of the . . . New York State Prison at Auburn* (Auburn, 1826), pp. 60-61.

¹⁵ Tocqueville, *Oeuvres complètes*, V, 64.

in small solitary cells at night, making the Auburn system a compromise between strict solitary confinement as practiced at Philadelphia, and the infamous contradiction-in-terms, the "indiscriminate system" (undisciplined prisoners herded together day and night) which characterized such institutions as the Maryland Penitentiary in its early days.

American penal reformers before the Civil War seemed content to argue endlessly the merits of the rival systems. No really new departure was made in the ante-bellum period. Only later did novel penal methods dispute the limited Auburn-or-Philadelphia alternatives of the Jacksonian era. Toward the end of the century prison reformers began to concern themselves less with producing model prisoners according to some rational system of discipline, than with preparing prisoners for an honest, productive life "on the outside."¹⁶ But in the period under investigation here American prisons could do little more than choose between Auburn and Philadelphia, or combine features of both.

Such was the case at a rather typical institution, the Maryland Penitentiary.¹⁷ The prison at Baltimore was limited in the scope and range of its reform activities, to be sure, by the prevailing parsimonious theory of state finances; but the ideological tyranny of the two rival systems also imposed limits outside of which the Maryland Penitentiary dared not wander. Prison policy in such an institution was formulated as much in terms of the relative merits of the Auburn and Philadelphia systems as in response to real particular needs and problems. Therefore, little that was really distinctive in the development of the Maryland Penitentiary can be uncovered that was not merely an elaboration of one or another practice already evolved at the leading institutions. The particular feature that was elabor-

¹⁶ Thomas M. Osborne, *Society and Prisons* [Yale Lectures on the Responsibilities of Citizenship] (New Haven, 1916); Franklin B. Sanborn, "the Supervision of Public Charities," *Journal of Social Science*, I (June, 1869), 75.

¹⁷ The best study of the Maryland Penitentiary is in Lewis, *Development of American Prisons*, chapter xvii. Other studies, sketchy and largely inaccurate are: Albert O. Mullen, "Brief History of the Maryland Penitentiary from its Beginning in 1811 to the Present Time," *Annual Report of the Directors . . . of the Maryland Penitentiary, 1911* (Baltimore, 1912); Thomas L. Wilkinson, "The Maryland Penitentiary," in J. Thomas Scharf (ed.), *History of Baltimore City and County from the Earliest Period to the Present Day* (Philadelphia, 1871), pp. 202-205.

ated, perhaps overelaborated, at Baltimore was the system of congregate prison labor that was instituted earlier at the Auburn prison. But the Maryland Penitentiary also experimented with certain features of Philadelphia prison discipline, and evolved its own particular compromise in a way that illuminates some facets of American government and society in the Age of Tocqueville.

3.

When the Maryland Penitentiary opened on September 13, 1811 the struggle between the two "received systems of imprisonment" had not yet crystallized.¹⁸ The Pennsylvania prisons at Pittsburgh (the Western Penitentiary) and Philadelphia (the Eastern Penitentiary or Cherry Hill prison) were themselves only built in the 1820s, and the Auburn Prison, the later foe of physical isolation, itself had an early period of experimentation with solitary confinement. The ideas of the influential English prison reformer, John Howard (1725-1790), and other theories at the time made the terms "penitentiary" and "solitary confinement" virtually synonymous. The Baltimore prison, merely by calling itself a penitentiary was obliged at least to declare its partial adherence to the system of complete isolation of prisoners.¹⁹

The system of solitary confinement, practiced in its purest form in the 1830s and '40s at Cherry Hill in Philadelphia was dependent upon special architectural conditions. John Haviland's designs for the Philadelphia prison projected an immense structure with seven cell blocks radiating from a central rotunda. That grandiose plan, with some modifications, was closely followed in the construction of the prison, which was carried out at the then unheard of cost of \$772,600.²⁰ Without the zeal for prison reform or the spirit of bold experimentation

¹⁸ Dr. H. Willis Baxley, quoted in *Testimony Taken Before the Joint Committee of the Legislature of Maryland on the Penitentiary* (Annapolis?, 1937?), p. 138 [hereafter cited as *Testimony*]; Opening date in *Report of the Joint Committee Appointed to Visit and Inspect the Maryland Penitentiary*, L. D. Teackle, Chairman (Annapolis, 1832), p. 4.

¹⁹ McKelvey, *American Prisons*, p. 8; Teeters and Shearer, *Prison At Philadelphia*, pp. 2-23; Herre, "History of Auburn Prison," pp. 53-57; Gray, *Prison Discipline in America*, p. 26; Lewis, *Development of American Prisons*, p. 204; [G. F. R. Barker], "John Howard," in Sir Leslie Stephen and Sir Sidney Lee (eds.), *Dictionary of National Biography* (Oxford, 1917), X, 48-50.

²⁰ Teeters and Shearer, *Prison at Philadelphia*, p. 73.

in architecture that characterized Pennsylvania's citizens, Maryland erected its penitentiary at the relatively small cost of \$89,500.²¹

The cell blocks at the Maryland Penitentiary, even those designed after the Haviland prison was completed, were not specially designed for solitary confinement. Nevertheless, the Philadelphia system exerted a strong influence in Maryland. The Free State's legislature proposed that "every person convicted of any crime, the punishment whereof shall be confinement in the penitentiary, shall be placed and kept in the solitary cells therefrom on low and coarse diet, for such part or portion of the term of his or her imprisonment as the court, in their sentence shall direct and appoint." No more, however, than one-half of a prisoner's term (but no less than one-twentieth) was to be spent in solitary. The "low and coarse" diet was to consist of bread, Indian meal ("or other inferior food, at the discretion of the inspectors"), and meat twice a week. Also, the first set of rules governing the Maryland Penitentiary stipulated hard labor for all prisoners when they were dismissed from solitary confinement.

[Prisoners] shall be kept, as far as may be consistent with their sex, age, health and ability, to labour, of the hardest and most servile kind, in which the work is least liable to be spoiled by ignorance, neglect or obstinacy, and where the materials are not so easily embezzled or destroyed. . . .

This labor was to be done, if possible, with the prisoners "a part and from each other." Male and female were also required to be separate, as was not the case in all American prisons at the time.²²

The principle of separation which pervaded all prison reform was a rule which naturally seemed to apply to inmates of different color. Separation of Negroes and whites was axio-

²¹ *Acts of Assembly Together with the Governor's Proclamation and the Rules and Regulations Respecting the Penitentiary of Maryland* . . . (Baltimore, 1919), p. 4. [hereafter cited as *Acts of Assembly &c*]. Francis Wayland, who calculated the cost per cell of the major penitentiaries of the country, set the Maryland cost at the bottom of his scale (\$146.32). Philadelphia, of course, spent the most (\$1648.85 per cell!), while Sing Sing, built on the Auburn model cost \$200. *North American Review*, LXIX (July, 1839), 39.

²² "An Act Concerning Crimes and Punishments," passed by the Maryland Assembly, November sess., 1809, in *Acts of Assembly &c.*, pp. 23-24.

matic, even to the Yankees of the Boston Prison Discipline Society. "The propriety of this rule," they declared, "arises from circumstances which it is not necessary to mention. . . ." ²³ But like so many other ideals of nineteenth century prison reform racial segregation was never practiced at Baltimore. We may assume that Negro and white, (and in the Penitentiary's first six years at least) slave and freeman ate, worked and probably slept together in the Maryland Penitentiary. This was another of those features of ante-bellum urban life which tended to breakdown segregation patterns. ^{23a}

1818 saw the appearance of special provisions in the *Acts of the Assembly* for Negro prisoners. At the January session a bill declaring that "no coloured person shall be sentenced to confinement to the Penitentiary . . . , for any less time than one year," was passed. ²⁴ A few days later a supplementary bill specifically concerning slaves was also agreed to by the Maryland legislature. It required that whenever "any slave or servant" be "sold out of the Penitentiary" that the warden, or "keeper" as he was then called, shall "deposite [*sic*] the money arising from such a sale in some bank in the city of Baltimore." ²⁵ But just a few days further on in the session the Assembly hastily repealed all previous enactments on the subject of Negro prisoners and declared that no Negro or Negro slave (the act is vague on this point) may ever "undergo a confinement in the penitentiary of this state, any law to the contrary notwithstanding." ²⁶

This act may have been effective in eliminating slaves from the prison population since the yearly "Abstract of Prisoners" appended to each surviving *Annual Report of the Directors of the Maryland Penitentiary* never lists slaves. "Blacks" however figure increasingly in the prison population all throughout

²³ Boston Prison Discipline Society, *First Annual Report* (1826), p. 17.

^{23a} As Professor Richard C. Wade pointed out in "Slavery in the Southern City, 1820-1860," paper delivered at the 1959 meeting of the American Historical Association.

²⁴ Supplements to *Acts of Assembly &c.*, p. 42.

²⁵ *Ibid.* The money so derived was then at the disposal of the county Levy court and need not necessarily be used for Penitentiary expenses.

²⁶ *Ibid.*, p. 43. According to this badly-worded act a Negro criminal is either to be hung (if the offense demand it), "receive on his or her bare back, any number of lashes not exceeding forty," or be banished from the state—rather than be imprisoned.

the 1830s. In 1834, for example, Negroes numbered about one-third of all new prisoners, but over one-half in 1839.²⁷ The question remains: were the Negroes given any different treatment than that accorded to white convicts? Except that the word "treatment" in its modern sense could scarcely apply to any American prison, there is no evidence to contradict the testimony of an English visitor when he reports in 1835 that "no distinction is made in the treatment of coloured from other prisoners."²⁸

Along with the hesitant moves toward separation of convicts by various criteria, the Maryland Penitentiary was influenced by Philadelphia chiefly in the health and medical practices first instituted in the Quaker City's old jails. Cleanliness of prisoners and buildings was supposed to be carefully checked. Washrooms were established. Floors scrubbed weekly; walls whitewashed annually. Even an infirmary was opened in the prison and a part-time physician engaged.²⁹

It is doubtful whether these enlightened regulations resulted in much enlightened practice at the Maryland Penitentiary, or almost anywhere else. The directors of the Baltimore prison sadly noted, in 1837, that "in respect to the great moral objects of a penitentiary" the history of the Maryland Penitentiary "is similar to that of most of the others in the country; it has fallen far short, hitherto, of the sanguine hopes and expectations . . . , of its founders and supporters and friends of humanity in general." In an otherwise favorable report the directors revealed that no "system" at all had been practiced in the early 1820s. What little discipline there was, was enforced by the "actual presence and authority of the keeper and his deputies."³⁰ Similarly, a Baltimore comb-maker who "overlooked the victualizing department" of the prison in the early 'twenties lamented that there was never any solitary confinement there. "No respect was paid," James Disney reported, "to the sentences which required prisoners to be kept in solitary

²⁷ *Annual Report of the Directors of the Maryland Penitentiary, 1835* (Baltimore, 1835), p. 13; cf. *Annual Report . . . 1840* (Baltimore, 1840), p. 9.

²⁸ Crawford, *Report . . . on the Penitentiaries of the United States*, p. 96.

²⁹ *Acts of Assembly &c.*, pp. 26-27; Lewis, *Development of American Prisons*, p. 204.

³⁰ William McDonald and other directors in *Testimony*, pp. 12-13.

confinement.”³¹ The Philadelphia system, it seemed, was too exotic a flower to be transplanted into Maryland soil.

Maryland's citizens, however, were not complacent about the state of their penitentiary. As the very real abuses festering there became more widely known sentiment for prison reform grew. The basic tenet of American prison discipline—non-communication between prisoners—was flagrantly violated at the Maryland Penitentiary. Strict separation of male and female convicts in the original cell block was almost impossible. The Baltimore prison, like many others of the day, was a disorderly, unexemplary institution, and its reputation had reached a low ebb by the middle 1820s. But in 1828 the directors of the prison appointed a group “to collect the best information relative to the contemplated improvement—as also to the manner of conducting police regulations and commercial operations” of the Penitentiary. The committee visited the Walnut Street jail in Philadelphia (forerunner of the *avant-garde* Cherry Hill prison), Auburn prison and Sing Sing, New York's new prison on the Hudson which had just been constructed by prison labor under the stern authority of Elam Lynds.³²

The report of the visiting committee was strongly critical of the Philadelphia system of physical isolation of prisoners. To understand why this system, celebrated throughout Europe, was rejected by the Maryland officials, it is necessary to examine in some detail arguments for and against it. The two most able supporters of the Philadelphia system were Francis Lieber, the German-American political scientist and Roberts Vaux, the

³¹ James Disney in *ibid.*, p. 223.

³² *Report of the Committee appointed by the Board of Directors of the Maryland Penitentiary to visit the Penitentiaries and Prisons in the City of Philadelphia and the State of New York* (Baltimore, 1828), pp. 3-4 [hereafter cited as *Committee Report* (1828)]. Tocqueville was impressed by the force of Elam Lynds' rule-of-thumb penological theories, but repelled by his personality. To the French aristocrat Lynds “appeared to be a common man and I believe,” said Tocqueville, “that his language has a vulgar tone to it.” *Oeuvres complètes*, V, 63. In a spectacular *tour de force* of discipline Lynds built Sing Sing prison with convict labor from Auburn. Although they worked in the open, the prisoners were so terrified of the ex-soldier Lynds that there was no attempt at escape. By the time that Tocqueville saw him Lynds had been dismissed for excessive severity and was working as a clerk. See [Thorsten Sellin], “Elam Lynds,” in Dumas Malone (ed.), *Dictionary of American Biography* (New York, York, 1933), XI, 527.

Quaker philanthropist.³³ Vaux defended solitary confinement throughout an immense corpus of pamphlets and speeches. He said that the isolated prisoner is, at the very least, beyond the possibility of *further* corruption, and cannot use the prison as a place to hatch future "plans of villainy."³⁴ Not only is further crime prevented under solitary confinement, but also the positive progress of the prisoner toward regeneration is hastened. In Francis Lieber's considered view most crimes are the direct product of "thoughtlessness," and therefore the proper method of reform is to isolate the prisoner and allow him uninterrupted opportunity for reflection. Alone with the "corrodings of conscience and the pangs of guilt" the prisoner may repent of his evil ways.³⁵

However enthusiastic Philadelphia supporters may have been about the possibilities of reform by solitary confinement, their most usual defense of the system was framed in terms of the beneficial anonymity of absolute isolation. Secluded from his fellow-inmates in the penitentiary, the prisoner who emerges truly reformed will not live in constant fear of meeting old prison associates who at any time "might blast his character and ruin his hopes." According to a Philadelphia journal, a prisoner discharged from a Pennsylvania penitentiary is "aided by discreet counsel and fortified by long communion with himself." He "has no obstacle to meet in the path of honour, propriety, and virtue."³⁶

Despite the persuasive arguments with which Philadelphia partisans defended their cause, the Maryland visitors came out strongly for Auburn in 1828. Their rejection of the Phila-

³³ On Lieber and penal reform see Wilson Smith, *Professors and Public Ethics*, pp. 98-103; and Frank Freidel, *Francis Lieber: Nineteenth-Century Liberal* (Baton Rouge, 1947), pp. 96-104. On Vaux see [Thorsten Sellin], "Roberts Vaux," *Dictionary of American Biography* (New York, 1936), XIX, 239-240.

³⁴ Letter of Roberts Vaux to William Roscoe in *Nile's Weekly Register*, XXXIX (June 16, 1827), 269.

³⁵ Francis Lieber, *A Popular Essay on Subjects of Penal Law and on Uninterrupted Solitary Confinement at Labor as Contradistinguished to Solitary Confinement at Night and Joint Labor by Day . . .* (Philadelphia, 1838), p. 37; *Nile's Weekly Register*, XXI (October 27, 1821), 139.

³⁶ *American Quarterly Review*, XVIII (December, 1835), 420. This point was rarely challenged. However, Thomas Cleveland, M.D., warden of the Rhode Island prison observed in 1845 that "no man passes into prison without an open trial and the knowledge of his friends and enemies; and no man can pass out again without being remembered." *Sixth Annual Report of the Rhode Island State Prison*, quoted in Gray, *Prison Discipline in America*, p. 200.

delphia system was partly based on the belief that solitary confinement led to madness. Indeed, it was often noticed that the Pennsylvania prisons contained a relatively large proportion of insane inmates, especially before labor was introduced into the solitary cells.³⁷ Such was the case when the Maryland committee visited Philadelphia.

It is the design at present [in Philadelphia, the committee observed] to afford no employment to the mind [of the prisoner] that might divert it from its own harrowing reflections;—that the operation of these [methods] in such circumstances, tends to impair or utterly destroy the reason, is a fact too well attested to need the aid of argument or speculation.³⁸

Tocqueville's companion, Gustave de Beaumont, in his novel *Marie*, also noted that solitary confinement tended to produce insanity.³⁹ And even after labor had been introduced into the Philadelphia system, Francis Lieber could acknowledge that there was "some truth" in the charge that the system led to madness.⁴⁰ Evidence on whether madness did or did not result from solitary confinement is impossible to find. The important fact is that those business and professional men who initiated prison policy at the Maryland Penitentiary thought it did, and acted accordingly.

So, because of what was felt to be the real possibility of insanity where there was solitary confinement day and night, and other reasons (the expense of a Philadelphia-style prison,

³⁷ Barnes, *Evolution of Penology in Pennsylvania*, pp. 288 ff. On the question of whether the Maryland visitors were right in charging that the Philadelphia system produced insanity, I can only quote the historians of Cherry Hill: "Looking backward from this date [1957] we can only state that both groups [Auburn and Philadelphia polemicists] were distinctly partisan and almost unscrupulous in editing their data to bolster their position and that so little was known at the time concerning mental aberrations, their causes and progression, that the charge was not susceptible of proof." Teeters and Shearer, *The Prison at Philadelphia*, pp. 210-211.

³⁸ *Committee Report* (1828), p. 8.

³⁹ Beaumont, *Marie: or, Slavery in the United States*, tr., Barbara Chapman (Stanford, California, 1958 [1835]), p. 45.

⁴⁰ Lieber, *Popular Essay*, pp. 74-75. The perspicacious warden of the Rhode-Island prison distinguished the different reaction of what may be called two "ideal types" of men to solitary confinement. The businessman-type has laid up no "internal resources" according to Dr. Cleveland, and solitary would tend to drive him mad. "Literary men" on the other hand, do have a "store of food for thought and recollection," and keep their mental faculties intact under isolation. Quoted in Gray, *Prison Discipline in America*, p. 198.

especially), the Maryland committee of 1828 ended its report with a ringing declaration of allegiance to Auburn principles—chief among them, congregate labor by day, solitary confinement at night and the use of a whip for discipline. Adoption of these principles would, in the committee's words, "advance the [penitentiary] system as near to perfection as it may be brought." ⁴¹

4.

Since many Americans active in penal reform in the Age of Tocqueville (and in other times and places too) were clergymen, the perfection of the penitentiaries was thought to be largely a religious task. Roberts Vaux eloquently expressed this sentiment:

The benign precepts and sacred obligations of Christianity must influence and control all successful exertions to restore to virtue this class of our erring fellow men [the prisoners], as well as rule every other availing endeavor for promoting the security and happiness of human society.⁴²

In prison reform, as in other reform movements of the day, humanitarian religion was one of the prime motives of the reformers.

But altruists (like revolutionaries) are notorious for disagreeing among themselves, and the rivalry between the Auburn and Philadelphia systems had its religious dimension. Philadelphia partisans were anxious to qualify the reputation that their prison had gained for strict solitary confinement. Isolation there was not absolute but merely meant isolation from the corrupting influences of other prisoners. Francis Wayland was voicing sentiments current in his day when he declared (leaving the *origin* of wickedness unaccounted for) that "much of every man's wickedness is to be traced to intercourse with the wicked. . . ." ⁴³ If mutually corrupting contacts between prisoners were

⁴¹ *Committee Report* (1828), pp. 24-26. At the Maryland Penitentiary the warden was authorized to administer thirteen lashes to any unruly prisoner; his deputies, five. *Acts of Assembly &c.*, p. 29; William McDonald and others in *Testimony*, p. 15.

⁴² Vaux to William Roscoe in *Nile's Weekly Register*, XXXIX (June 16, 1827), 268. Beaumont and Tocqueville (*du Système pénitentiaire*, pp. 97-100) also noted the great influence of clergymen in American prison reform. cf. Merle Curti, *Growth of American Thought* (2d ed., New York, 1951), pp. 380-382.

⁴³ [Francis Wayland], in *North American Review*, XLIX (July, 1839), 22.

seen as a great evil, visits to them by "virtuous persons" (usually clergymen) were always encouraged at Philadelphia as a mitigation of strict solitary confinement and for whatever good it could accomplish.⁴⁴

Supporters of the Philadelphia system of day-and-night isolation never tired of criticizing the method of religious instruction at Auburn. At the New York institution, mingling of the convicts by day was the rule. On weekdays they congregated at the workshops and on Sundays gathered in the spacious Auburn chapel for religious services. Beaumont and Tocqueville, Catholics both, thought that this feature of the Auburn system, along with the presence there of a permanent chaplain, was eminently praiseworthy. William McDonald, a director of the Maryland Penitentiary in 1837 and Auburn supporter, pointed to the crucial religious issue between the two systems. Religious instruction, he said, "cannot be made so easily and effectual[ly] in separate cells as in assemblages. . . ." ⁴⁵ Philadelphia supporters, however, thought that congregation of the convicts on Sunday for services was wrong, not only on penological but on religious grounds as well. They felt that mass exhortation of such a group of sinners as penitentiary prisoners was, in its very nature, "superficial." Moreover, it was thought that the gentle spirit of religion could not be transmitted "in the bustle and contact of a community of criminals." It is better, according to a past director of the Maryland Penitentiary, for clergymen to visit the prisoners "in the solitude and privacy of their cells, and there inculcate lessons of morality adapted to the intelligence, the capacity, and wants of each individual." Separate instruction in the solitary cells was thought by many to be preferable to a cheap, wholesale method of religious training.⁴⁶

⁴⁴ *Seventeenth Annual Report of the Warden of the Eastern State Penitentiary* (Cherry Hill), quoted in Gray, *Prison Discipline in America*, p. 46. In the old Philadelphia prison on Walnut street the method of religious instruction was considerably more crude. A preacher addressed the prisoners from a platform beside a loaded cannon. A man with a lighted match was ready nearby to fire the cannon at the convicts, if necessary. See "Prisons and Prison Discipline," *Christian Examiner and Theological Review*, III (May-June, 1826), 207-208.

⁴⁵ *Du Système pénitentiare*, pp. 97-98; McDonald and others in *Testimony*, p. 26.

⁴⁶ *American Quarterly Review*, XIV (September, 1833), 244; Dr. H. Willis Baxley (former director as well as physician at the Maryland Penitentiary) in *Testimony*, pp. 129, 138.

However prominently clergymen figured in the formation of prison policies and discipline at Auburn and especially at Philadelphia, in Maryland clerical influence at the state Penitentiary was faint indeed. This conclusion must be drawn despite the section in the "Rules and Regulations for the Government of the Penitentiary (1812)" which explicitly states that

it shall be the duty of the keeper carefully to inspect the moral conduct of the prisoners, to furnish them with such moral and religious books, as shall be recommended by the inspectors; and to procure the performance of divine service on Sunday, as often as may be, at which the prisoners shall attend.⁴⁷

By their rejection of solitary confinement—first in day-to-day practice and then in 1828, by official policy—Marylanders made it improbable that the Philadelphia method of separate religious instruction would be adopted.⁴⁸ But neither did they follow the Auburn plan of hiring a permanent chaplain to minister to the spiritual needs of the prison population. Official responsibility apparently ended when Bibles were placed in all the cells.⁴⁹ The Boston Prison Discipline Society, which in typical Yankee fashion assumed the role of moral overseer of the nation's prisons, expressed continual dissatisfaction with the lack of adequate religious instruction at the Baltimore prison.⁵⁰ Marylanders, however, felt their obligations toward the prisoners to be adequately discharged by allowing Methodist clergymen and agents of the local Tract Society visit the prison on the Sabbath to hold services and distribute literature. "Much good," said the keeper of the Maryland Penitentiary, "apparently has resulted from this." Many others agreed.⁵¹ But the Boston Society saw no reason to retract its early (1828)

⁴⁷ "Rules and Regulations . . .," January 3, 1812 in *Acts of Assembly &c.*, p. 48.

⁴⁸ There was also the question, never to my knowledge officially raised in Maryland, whether the Philadelphia system was anti-Catholic. The fact that under the rules of solitary confinement the Mass could not be celebrated was a strong argument in the hands of the French opponents of the Philadelphia system. See Cary, "France Looks to Pennsylvania," *Pennsylvania Magazine of History* . . . , LXXXII (April, 1958), 198.

⁴⁹ Crawford, *Report . . . on the Penitentiaries of the United States*, p. 95.

⁵⁰ See Boston Prison Discipline Society *Eleventh Annual Report* (1836), p. 41; *Twelfth* . . . (1837), p. 50; *Thirteenth* . . . (1838), p. 58, *et passim*.

⁵¹ Testimony of Joseph Owens, keeper; John Armstrong, former director and others in *Testimony*, pp. 46, 76 *passim*.

and unfavorable judgment on the Maryland program for the spiritual regeneration of the state's prisoners.

In a prison so constructed [as the one at Baltimore, the Boston Prison Discipline Society declared] where the men and women, after public worship, instead of retiring in silence to their solitary cells, are locked up, in large numbers together and left to their evil passions, their songs of obscenity and mirth, or their curses and imprecations, resound from their gloomy walls, and the truth, which has been dispensed, is . . . like sparks on the ocean in a storm.⁵²

Little was done by the Free State of Maryland in the Age of Tocqueville to bring the lively spirit of humanitarian religion to bear on the regeneration of the prisoners in its Penitentiary at Baltimore.

5.

Abstract doctrines of religious and penal reform were hotly debated at the Maryland Penitentiary, at Auburn and especially at Philadelphia, but the important bearing of architecture on prison discipline should also not be overlooked. At many American prisons the architecture determined in large measure the nature of the system to be followed. But the theory of discipline assumed was, in turn, influential in deciding the design to be adopted. No simple theory of causation accounts for the early development of the Maryland Penitentiary.

The prison at Baltimore, built in 1810-1811, remained essentially unchanged until 1829. The year before that, as we have seen, a select committee reported to the directors of the Maryland Penitentiary on the "contemplated improvement" of the institution. One of the first fruits of this improvement was a \$30,000 cell block built on the Auburn model (but with the interior arrangement characteristic of the Philadelphia Prison) and designed to hold 368 prisoners in solitary confinement at night.⁵³ This building, standing today on the Penitentiary grounds and housing the license plate shop, was designed, partly, by Louis Dwight, president of the Boston Prison Discipline Society.⁵⁴ It had an internal corridor like the buildings

⁵² Boston Prison Discipline Society, *Third Annual Report* (1828), pp. 12-13.

⁵³ Crawford, *Report . . . on the Penitentiaries of the United States*, p. 94; Guillaume A. Blouet, *Rapport . . . sur les pénitenciers des États-Unis* (Paris, 1837), p. 35.

⁵⁴ Boston Prison Discipline Society, *Fifth Annual Report* (1830), p. 35.

of the Cherry Hill prison in Philadelphia with cells opening on both sides.⁵⁵ However, unlike Philadelphia, the cells in Baltimore were too small for daytime occupation. The old cell block, built in 1811, was reserved exclusively for women, but could not, the directors lamented, be governed according to the Auburn plan.⁵⁶ With its new cell block the Maryland Penitentiary would, in the words of its warden, be deserving of the highest praise one could bestow on any prison: it would be (in the men's section at least) "as valuable as that of Auburn."⁵⁷

The next major structural addition to the Baltimore prison was completed in 1836, and the principle of construction was (curiously enough for a prison continually boasting of its likeness to Auburn) directly copied from Haviland's radiating cell blocks at Cherry Hill, Philadelphia. The three new buildings, designed by Baltimore architect Robert Long, contained central corridors converging on a central rotunda from which the inspection of discipline in the whole complex of buildings could be made instantly. The new buildings, although following Haviland's design, were officially intended to be "constructed on the same principle of the prisons governed by the regulations of the Auburn system."⁵⁸ The apparent paradox of using a design from one of the competing penal systems while declaring allegiance to the "principles" of the other is dispelled by realizing that the new buildings at Baltimore were not cell blocks, as were the radiating buildings at the Philadelphia prison. Instead, the buildings erected in 1836 were "workshops adapted for the manufacturing purposes in common with the objects designed by the improved system of prison discipline known under the name of the Auburn sys-

⁵⁵ At the Auburn prison the cells were arranged back-to-back, with corridors on both faces of the building. The magnificent cell blocks of the present Maryland Penitentiary have this arrangement.

⁵⁶ *Annual Report of the Directors of the Maryland Penitentiary, 1837* (Baltimore, 1838), p. 5; William McDonald and others in *Testimony*, p. 14. The women's cell block was not organized on the Philadelphia plan either. Prisoners of the fair sex were herded together by day in the workshops and by night in the overcrowded cells.

⁵⁷ Quoted in Boston Prison Discipline Society, *Third Annual Report* (1828), p. 10.

⁵⁸ Legislative enactment, quoted in *Report of the Committee appointed to Prepare Plans for the New Building to be Erected in the Yard of the Maryland Penitentiary* (Baltimore, 1835), p. 3.

tem.”⁵⁹ Only a prison such as the Maryland Penitentiary, outside, yet an interested spectator of the prison controversies of the day, could be eclectic enough to put a Philadelphia design to an Auburn use.

6.

Even before the new workshops were put into operation in 1837 the Maryland Penitentiary had already achieved fame (or notoriety) for its productive system of prison labor. William Crawford, the English visitor, noted in his *Report* of 1835 that the “Maryland State Prison is remarkable for nothing more than for the profits arising from its manufactures.”⁶⁰ A former director, testifying before a state legislature committee, was even more sharply critical.

I consider the Maryland Penitentiary [said Joseph Hook in 1837] nothing more than a great state manufactory. The punishment there inflicted has, in my opinion, produced no salutary effect upon the morals of the prisoners.⁶¹

For most citizens of the Free State, the fact that their Penitentiary was profitable, was probably a source of satisfaction. A Maryland committee visiting the other major prisons of the country in 1842 was happy to note that the Penitentiary of their state had the longest period of financial self-dependence. They reported that “during the period extending from 1822 to 1839, the Institution received no aid from the State for the discharge of its current expenses.” The prison was so profitable that from 1828 even the salaries of officials began to be paid from the earnings of the prison industries. During this period of affluence the Penitentiary yielded enough profit so that over

⁵⁹ William McDonald and others in *Testimony*, p. 12; *Report of the Select Committee on the Penitentiary to the Legislature of Maryland*, William A. Dulany, Chairman (Annapolis, 1836), p. 4.

⁶⁰ Crawford, *Report . . . on the Penitentiaries of the United States*, p. 22. A French visitor, Frederic A. Demetz (*Rapport . . . sur les pénitenciers des États-Unis* [Paris, 1837], p. 24), made a similar judgment. Social and economic factors behind the movement for prison labor are studied in George Rusche and Otto Kirchheimer, *Punishment and Social Structure* [International Institute of Social Research] (New York, 1939), chapter viii. At least one Maryland citizen was hurt by Crawford's remark. See Dr. H. Willis Baxley's remarks in *Testimony*, pp. 102-103.

⁶¹ Joseph Hook in *Testimony*, p. 216.

\$69,000 worth of construction could be initiated without state help.⁶² The prison at Baltimore was considered to be mainly an economic enterprise, and its directors administered it accordingly.

But it was not the directors of the Penitentiary only to whom the profit motive was to apply. Successful operation of the prison's industries was arranged to the advantage of prisoners as well. Convicts, if they worked hard and diligently were "credited with the sum or sums from time to time received by reason of their labor."⁶³ Beaumont and Tocqueville thought this practice—the "overwork"—the only noteworthy feature of the Maryland Penitentiary. Their judgment on it was unfavorable. They believed that it lessened discipline in the prison by allowing money to circulate for bribes and corruption.⁶⁴ The Maryland legislature did not recognize this danger until 1853 when it was decided that the overwork was not to be issued to the prisoner until his discharge.⁶⁵

Profits derived from prison industry and the practice of hard work for convicts were not conceived of generally as being in any way opposed to reform. "Economy," it was held, could even hasten the process of reformation. "An evident deep contrition," said the directors in 1841, "is developed in very many cases" as a result of prison labor.⁶⁶ There was widespread agreement on the inestimable value (for the convicts) of the industries at the Baltimore prison.⁶⁷ In their extravagant praise for labor Maryland officials were partly voicing folk beliefs concerning the superior virtue of the worker-producer,⁶⁸ and

⁶² *Report of the Committee on Prison Manufactures* [of the Maryland Penitentiary]; September, 1842 (Baltimore, 1842), pp. 3-4.

⁶³ "An Act Concerning Crimes and Punishments," 1809 in *Acts of Assembly &c.*, p. 25.

⁶⁴ *Du Système pénitentiaire*, p. 71.

⁶⁵ *Rules and Regulations . . . of the Maryland Penitentiary* (Baltimore, 1853), p. 28.

⁶⁶ *Annual Report of the Directors of the Maryland Penitentiary, 1841* (Baltimore, 1841), p. 6.

⁶⁷ See William McDonald and others in *Testimony*, p. 12; *Committee Report* (1828), pp. 15, 24 for sanguine estimations of the value of prison labor.

⁶⁸ See, for example, the contemporary statement in Theophilus Fisk, "Capital against Labor," in Joseph Blau (ed.) *Social Theories of Jacksonian Democracy* (New York, 1954), pp. 199 ff.; the analysis of these beliefs in Marvin Meyers, *The Jacksonian Persuasion: Politics and Belief* (Stanford, 1957), p. 15; and of their persistence in Richard Hofstadter, *The Age of Reform: From Bryan to F. D. R.* (New York, 1955), pp. 64-65.

partly echoing the recently-voiced opinions of Philadelphia partisans. This latter group was forced to defend labor, after it had been introduced at Cherry Hill, in terms as glowing as had previously been reserved for pure solitary confinement. To Francis Wayland isolation merely planted a "seed" of regeneration which is then nourished by "habits of industry and thrift" which result from the beneficial regimen of "regular, daily labor."⁶⁹ When work is introduced the prisoner, according to Lieber, will love it "faithfully as the dearest companion—a companion who will be with him for life."⁷⁰ Auburn arguments were, of course, equally serviceable to those in Maryland bent on securing the benefits of prison labor. Construction of the workshops in 1836 was considered of great economic promise, but it was hoped in addition that they would provide for "the reformation of all [the prisoners]—aye, even the worst of them."⁷¹

The only apparent limit to the application of rational business methods to the industries at the Maryland Penitentiary was the need to keep all the prisoners busy. For that reason the products of the Baltimore prison were diverse enough to employ all but the most infirm of the convicts. Combs and brushes, nails, bags, brooms and hats all issued from the workshops. Also, there was some dyeing, sawing, smithing, stonecutting and granite breaking done at the Penitentiary.⁷² But there was also a tendency to specialize in one class of manufactures. Textiles were chosen at the Maryland Penitentiary as at many other institutions because of the simplicity and safety of the manufacturing process. Weaving also gave the prisoners no opportunity to learn the "curious arts" of metallurgy which might be turned to criminal purposes upon release.⁷³

⁶⁹ [Francis Wayland], in *North American Review*, XLIX (July, 1839), 23.

⁷⁰ It is doubtful whether Lieber intended to make a pun here: *Popular Essay*, p. 64.

⁷¹ *Report of the Select Committee on the Penitentiary to the Legislature*, William Dulany, Chairman (Annapolis, 1836), p. 3.

⁷² *Annual Report of the Directors of the Maryland Penitentiary, 1841* (Baltimore, 1841), p. 4; Mullen "Brief History of the Maryland Penitentiary," pp. 19-20.

⁷³ Boston Prison Discipline Society, *First Annual Report* (1826), pp. 20 ff. The industries of the Maryland Penitentiary were governed directly by the directors of the prison. An alternative—the contract system—was considered at least twice in the period under discussion here. The possibility of hiring-out convicts to private entrepreneurs was casually suggested in 1825 [*Journal*

The development of flourishing textile shops led to political problems for the directors of the Maryland Penitentiary. Baltimore weavers incessantly complained about the competition of prison goods. But the directors of the Maryland prison were always able to turn aside such attacks. The weavers, they said, "complain of a partial evil and require it to be removed at the sacrifice, of the public good."⁷⁴

The image of the public good was always before the officials and directors of the Maryland Penitentiary (even, we may assume, while they were engaging in the occasional bits of corruption that the documentary record only partly conceals)⁷⁵ This concern for the public good is the feature of the Penitentiary administration that William Crawford misunderstood in his sneer about the profits of prison manufactures. People in Maryland were proud that their prison was a profitable institution, and they saw no particular opposition between "pecuniary interests" and reform. Prison labor was justified by the larger benefits it brought to the state of Maryland. A committee was proud to report in 1842 that:

Exceeding all the expectation which had been formed by the friends of Penitentiary institutions at their origin [the operation of the Maryland Penitentiary], instead of serving as a mere auxiliary in the general State provision for the maintenance of the criminal system, furnished a fund from which the entire charges of the convicts were defrayed. . . .⁷⁶

of the House of Delegates of Maryland, December session, 1825, p. 77], and more seriously proposed in 1842 [*Annual Report of the Directors of the Maryland Penitentiary, 1842* (Baltimore, 1842), p. 5]. Such a system was not put into practice until after the Civil War. Before 1833 products of the workshops were sold in a prison outlet store in Baltimore. Afterward they were disposed of through commission houses charging 6%. The warden took another 5%. See Wilkinson, "The Maryland Penitentiary," pp. 202-203.

⁷⁴ *Report of the Committee on Prison Manufactures* . . . (Baltimore, 1842), p. 13; Lewis, *Development of American Prisons*, p. 208; *Annual Report of the Directors of the Maryland Penitentiary, 1837* (Baltimore, 1838), p. 7. Most American penal institutions providing labor for their inmates faced this problem. See, for example, Negley K. Teeters "The Early Days of the Philadelphia House of Refuge," *Pennsylvania History*, XXVII (April, 1960), 179-180.

⁷⁵ See, for an example, the *Testimony of James McEvoy to the Joint Committee of the Legislature* . . . (Baltimore?, 1837). McEvoy, clerk at the Maryland Penitentiary when Tocqueville visited, was discharged apparently because he knew too much about the shady practices of the directors.

⁷⁶ *Report of the Committee on Prison Manufactures* . . . (Baltimore, 1842), p. 4.

Supporters as well as critics unfavorable to the Maryland Penitentiary agreed that its most distinctive feature was the efficient and economical administration of the prison labor system. Purely reformist practices as exemplified by the Pennsylvania prisons were expensive, and the tendency at Baltimore was to subordinate these to the easily appreciated regimen of the workshops. If the end result of this policy was occasionally hard on the convicts, it was probably thereby easier on the community. Moreover, careful administration of a prison with a sharp eye on "pecuniary interests" was in accord with the prevalent philosophy of government in the America that Tocqueville visited.⁷⁷ The goal of a polity was to create just, unobtrusive and inexpensive government. This view carried over nicely into the state penal administration of Maryland, where prison policy was seen in the larger context of, and distinctly subordinate to, efficient state government.

⁷⁷ See the analysis of this conception as held by those captivated by the Jacksonian rhetoric in Marvin Meyers, *The Jacksonian Persuasion*, pp. 20-21.

SIDELIGHTS

FOUR DANIEL OF ST. THOMAS JENIFER LETTERS

Edited by S. SYDNEY BRADFORD

Daniel of St. Thomas Jenifer, whose unusual name is yet unexplained,¹ played a zestful role in Maryland society, politics, and business in the latter half of the eighteenth century. Born in Charles County in 1723, he built and maintained until his death on November 16, 1790, a large and hospitable estate, known as Stepney, at Port Tobacco. Like Port Tobacco, Jenifer's home has long since disappeared, but we know that during his lifetime Jenifer greeted innumerable guests as they alighted from their coaches or horses before his house, among whom was George Washington.² Perhaps a mutual devotion to agriculture helped to bring Washington and Jenifer together. Jenifer, for example, sent cherry and apple trees to Mount Vernon in 1785 and 1786, and both he and Washington, while attending the Constitutional Convention, visited George Logan at Stenton in order to observe the results of Logan's use of gypsum on clover and timothy.³

As their attendance at the Constitutional Convention indicates, the many problems of the new nation also threw Washington and Jenifer together. During the proprietary years in Maryland, Jenifer held many public offices, acting as agent and receiver for the last two proprietors, sitting as a member of the commission to resolve the boundary dispute between Maryland and Pennsylvania, and assuming a seat on the governor's council in 1773.⁴ As the quarrel between the colonists and Britain grew more heated between 1763 and 1775, Jenifer hoped for a peaceful solution probably fearing, as he says in one of the following letters, that once "the Sword be . . . drawn, no one can say when it will be sheathed. . . ." ⁵ When the fateful clash between the redcoats and the Massachusetts farmers in April, 1775 unleashed a full scale revolution, however, Jenifer

¹ John C. Fitzpatrick, *Diaries of George Washington* (4 vol.; New York, 1925), I, fn. 2, 271-72, suggests that the "of St. Thomas" may have stemmed from a connection with the St. Thomas River in St. Mary's County, or from some ancestral relationship with the island of St. Thomas in the West Indies.

² *DAB*; Paul Wiltach, *Tidewater Maryland* (Indianapolis, 1931), p. 321.

³ Fitzpatrick, *Diaries*, II, 444, III, 25; Olive Moore Gambrill, "John Beale Bordley and the Early Years of the Philadelphia Agricultural Society," *Pennsylvania Magazine of History and Biography*, LXVI (Oct., 1942), 437.

⁴ *DNB*.

⁵ See Jenifer to Robert and James Christie, Feb. 21, 1766 below.

cast his lot, as Washington did, with those determined to defend self-government, and he became president of the Maryland Council of Safety. Once Maryland had created a state government, Jenifer was elected to the presidency of the state's senate. In the following year, 1778, he journeyed to Philadelphia to represent his native state in the Congress. Jenifer rode to Mount Vernon in 1785 as one of Maryland's commissioners to discuss with the representatives of Virginia the troublesome questions about the states' respective rights on the Potomac River. This conference set in motion the forces that led to the Constitutional Convention in 1787, over which Washington presided and in which Jenifer played a rather small role. Although not prominent during the meetings of the Constitutional Convention, Jenifer signed the completed document in September, 1787 and campaigned at home for ratification.⁶

Jenifer's support for the Constitution is probably explained by the station he occupied in society and his business interests. Indeed, the following letters are largely concerned with business affairs. All of them are addressed to either one or both of the Christie brothers, James and Robert, who were merchants in Baltimore, and both of whom Maryland expelled early in the Revolution for being unfriendly to America.⁷ The tobacco trade, legal matters, and proprietary affairs are all discussed in the letters, but perhaps most interesting is Jenifer's reaction to the disasters that befell Britain in 1757 during the French and Indian War and his opinion on the Stamp Act crisis.

All of these letters are in the Lloyd W. Smith Collection, except the one for February 21, 1766, which is in the Park Collection, Morristown National Historical Park, Morristown, New Jersey.

Maryland Nov. 27th. 1757.

Robert Christie Esq.

Sir,

Since my last of the 8th. Instant have recd advices from Capt. Chalmers that the Ruby would be Launch'd the 2d. of this Month, that his lower Masts at that time would be in and rig'd, and that if he was not detained for want of hands he expected to Sail by the 15th. I do not look for him now till the 10th. Decr. which will be so late that unless we have a mild Winter he will not get out before the last of February.

I this Day recd a Letter from Mr. James Christie telling me that he unluckily left your Letters for me in his Chest wch. remains in Virga.

I have enter'd into Charter with Mr. Alexr. [Carsonlane (?)] for forty

⁶ DAB; Kate Mason Rowland, "The Mount Vernon Conference," *Pennsylvania Magazine of History and Biography*, XI (1887), 415.

⁷ The Christies' Baltimore property was also confiscated. Philip A. Crowl, *Maryland During and After the Revolution* (Baltimore, 1943), pp. 48-49, 66. See James Christie's slim volume, *Case of James Christie, jun. (1776?)* for his account of his expulsion from Maryland.

Hhd. Tobo. at £13.0.0 pr Tonn, the Notes to be deliver'd on the Ships arrival at Ced Point Warehouse which is very convenient. I wish that had been favor'd with advices from you of the State of your Market, as I am apprehensive more might have been made by Selling the Tobacco from 9/6 to 10/ Bills & Charter'd the Ship at £12, wch. prices & [Freight (?)], I could have had tho' the Cash price I believe was from an Accident of Mess. Glassford & Co. sending a Ship more than their Factors expected, they are now done buying with Cash. I brought a little at 8/10 p about a fortnight ago in hopes of the Rubys arrival time enough to get her out before the last of Decr.

We are inform'd that the French Fleet at Louisbourg have fitted out several Privateers to coast from thence to the Southerd to intercept Provisions that may be sent from the Continent being in great want. I can't say anything to you in favour of this Campaign wch. is now I believe over, the next I hope will be attended with better success.⁸ I know but little of Politics, but really it seems surprizing to me that almost all the powers in Europe should come into measures for the increasing power to the House of Bourbon wch. always appear'd to me to be their particular Interest to Check. If the Russians Swede, Dutch, & German Princes will not open their Eyes, I think the French soon will be in a fare way to Universal Monarchy.⁹ I always very truly am

Dear Sir

Your affecte. hble Servt.
Dan of St. Thos. Jenifer

Dr. Sir¹⁰

I am very sorry for your indisposition, but hope that you will soon recover. As to what Tobacco of Mr. Calverts that has been sold the Notes may be returned & he is not intitled to the price that you gave for the others; for it was Tobo. you bought & wch. Mr. Calvert Sold. I have therefore taken these Notes from Capt. Hamilton in Order to return to Jno. Davidson. [Kay (?)] writes a day or two ago that he should in a day or two buy as much Lumber as would fill up Cockey. He at same time drew on me to pay Acquilla Hall 160 £ for Tobo. but as I was not in Cash I could not answer his demand. By Capt. Hamilton you will receive £50 wch. is near all the Money I have—I am

Dear Bob

Your

Sepr. 27th. 1765

⁸ The surrender of Fort William Henry and the abandonment of the attack against the French stronghold at Louisbourg made 1757 a disastrous year for Great Britain in her struggle with France in North America during the French and Indian War (Lawrence Henry Gipson, *The Great War for the Empire: The Victorious Years, 1758-1760* [New York, 1949], pp. 84, 103, 116).

⁹ By the end of December, Frederick the Great had rendered Jenifer's fears about France baseless, as he had defeated the French and their allies in Europe. Gipson, *Great War for Empire*, p. 125.

¹⁰ Although no address survives for this letter, the closing "Dear Bob" and the endorsement, in the same hand as on the other letters, shows that this letter went to Robert Christie.

Portobacco February 21st. 1766.

Messrs. Robert & James Christie
Gentlemen,

Your favor of the 19th. October is just come to hand. It gives me pleasure that the part I have Acted in Mr. Johnstons affairs meets with your approbation; nothing in my power shall be wanting to bring them to a happy conclusion. Tho' I fear the Stamp Act will retard the Issue, all Judicial business being at a stop, & indeed the whole continent is like to be in great confusion. There is not an American scarce to be met with, but looks upon the Act with the utmost abhorrence as being Subversive of their Charters and Liberties; but there are many of the thinking people that disapprove of the violences committed in several of the Governments; these outrages I fear will irretate the Parliament, and perhaps occasion precipitant resolutions, which may be of the worst consequence to them and us, a union is certainly to be preferred; for should the Sword be once drawn, no one can say when it will be sheathed, for my own part hope the Parliament will pay a regard to the Remonstrances sent them by the several Governments.¹¹ I wish with all my heart that your Debts could be got in, and you thereby made easy in your Circumstances; I will assist your Son & Brother all that I can in a Collection this summer. He is now gone to Norfolk to see Allen who I believe to be a vile rascal, and has by what I can learn foolishly squandered away every thing he brought out with him, unless any remittances hath lately come to your hands. I am glad you are like to gain by the purchase Bobby made for your Ships, the rise with you hath occasioned many purchasers here 12/6 Sterg. and upwards offered some sold at that price, which has raised the Planters expectation so high at this time that they will not sell at any price. I am well pleased with your purchase of the two lottery tickets, you will be pleased to inform me when drawn my fate. Inclosed you have Jere Adertons exchange on Joseph Aderton for £35 Sterlg. which apply to my credit. I wish you health & happiness and am with great affection

Your. . . .

To Messrs. Robt. & Jas. Christie
Merchts.
London

¹¹ In Maryland, a mob in Annapolis hanged stamp agent Zachariah Hood in effigy in August, destroyed his warehouses, and forced him to flee to New York. Although Hood resigned from his unpopular office, he never recovered from his personal disaster and he finally ended his days in poverty in the West Indies. (Bernard Knollenberg, *Origin of the American Revolution: 1759-1766* [New York, 1960], pp. 226, 237, 239; Charles A. Barker, *The Background of the Revolution in Maryland* [New Haven, 1940], pp. 299-300).

March 12th. 1772.

Dear Sir,

I wish it had been convenient for Mr. Christie to have taken up his Bond, but as the case is otherwise I must wait.

Lord Baltimore¹² left the Province to his Natural Son, remainder to the Sister of the Son, remainder to Mrs. Eden on failure of their Heirs with a legacy of Ten thousand pounds to Mrs. Browning, & as much to Mrs. Eden provided they did not contest the Will.¹³ It is the opinion of some Eminent Lawyers, that the Sisters will take in preference to Harford the Natural Son. I think that it not likely that I shall suffer by the Event, as I have reason to believe that all parties are desirous, that I should continue in the Agency. I shall set out to Charles soon as there is any travelling with convenience. I am with my Compliments to yr. family

Dr Sir

Your . . .

To

Robert Christie

Balt. Town

¹² Frederick Calvert, sixth Lord Baltimore (1731-1771), *DNB*.

¹³ Frederick left the province to Henry Harford, his natural son, and thus broke his father's will, which had stipulated that Frederick's eldest sister, Louisa Browning, should inherit the colony if Frederick had no heirs. Frederick's younger sister, Caroline Calvert, had married Robert Eden, whom Frederick had made governor of Maryland before he died. Clayton Colman Hall, *The Lords Baltimore and the Maryland Palatinate* (Baltimore, 1902), p. 169.

REVIEWS OF RECENT BOOKS

Queens of the Western Ocean: The Story of American's Mail and Passenger Sailing Lines. By CARL C. CUTLER. Annapolis, U. S. Naval Institute, 1961. 672. \$12.50.

The Packet Ship Era marks a step forward in the methods of American commerce and business in the long evolution from feudal privateering to railway schedules. Of thousands of vessels wending their ways through inland waters or the billows of the ocean a small portion now endeavored to hold to an announced schedule of sailings. If one accepts the word Packet as signifying sailing on schedule, then only two out of nine half-models of the type owned by Maryland Historical Society qualify as "liners," or are to be found in these tabulations. Yankee ingenuity had contrived combinations of sloop and schooner, steamboat and stagecoach lines, even while blockaded during the War of 1812. Of 24 leading Baltimore ship-owners sending vessels overseas in 1810, including Isaac McKim and Alexander Brown, only Isaiah Mankin was to operate a scheduled line. During five years 1846 to 1851 James Corner & Sons, and from then until 1860 James Mankin, ran the Corner Line, using a hundred ships from first to last. The coastal lines used many other ships but did not compare in number with the free traders. Since this volume is restricted to the account of vessels on fixed schedules, it leaves a great part of the story of Baltimore port still untold.

Here is a prodigious marshalling of fragmentary items, successes, financial failures, ghastly shipwrecks. The book has not the continuity, force and charm of the author's *Greyhounds of the Sea* which told of the culminating triumphs of the Age of Sail in our great clipper ships. But it is replete with the small beginnings of master mariners and captains of industry, an unbiased account of contemporary praise and censure for sail and steam packets alike. The great majority of names, both of vessels and of men, appear in the Appendix tabulations, and one senses that there were other unsung thousands trading coastwise or over desert ocean.

There are acknowledgments to Enoch Pratt Library and to Maryland Historical Society. There are illustrations of seven Baltimore vessels and a tintype of a Baltimore shipowner. There are over

40 paragraphs descriptive of events in Baltimore shipping between 1770 and 1860, but one must seek them out from the more numerous accounts of New York and other cities. One feels that this proportion is an accurate presentation of the scheduled lines, for New York had the Erie Canal, gateway to the West. For instance, in Appendix I the overseas packet lines of Boston fill 6 pages, of New York 26, Philadelphia has 5 pages; Baltimore 3; New Orleans 3. These Tables are the backbone of the book, a remarkable recounting of lines, agents, vessels and masters. The Index to ships' names covers about 5,500 and there is a general index of the same scope. There are also other Appendices, including fast Packet passages, designs and sail-plans of vessels, etc. The whole is a gold-mine of information for persons interested in our sea-borne commerce, or in the feats of early mariners. The listing on page 408 of ship *Andalusia*, 772 tons, under the Corner Line of Atlantic packets, differs from records at Maryland Historical Society and in Fairburn, which place her under ownership of David, Thomas & Henry Wilson in the California and China trades.

R. HAMMOND GIBSON

Easton, Md.

Greyhounds of the Sea: The Story of the American Clipper Ship.

By CARL C. CUTLER. Annapolis, Md., U. S. Naval Institute, 1961. xxvii, 592. \$12.50 (Revised).

This book is based upon tabulations of the voyages of bona fide clipper ships on all the oceans, particularly in that period of American sail from 1848 to 1860. It was written to commemorate the champions and the also-rans; to prove that there were dozens of tall ships dividing the honors. To accomplish this the author searched in books, log-books, Custom House records, Historical Societies, and musty newsprint files in many seaports. This is the backbone of the work, Appendices II through IV. There are other tabulations, one giving details of Clippers built year by year; two more quoting log-book narrations of the *Flying Cloud's* and *Andrew Jackson's* runs to the Golden Gate. Another gives hull lines and sailplans of a number of vessels, showing their increase in size and speed over the years. There are pages of acknowledgments, together with full bibliography, notes, and an index of men and ships, perhaps a thousand each. It all might have made a very dull book.

Just the contrary is true, as the author begins with 400 pages of most stimulating maritime American history condensed into 33

short chapters, 12 of which lead up to the appearance of the great commercial clipper ships, North Atlantic shire horses cross bred with Baltimore Arabians. The whole is replete with splendid reproductions of paintings, daguerreotypes, photographs, old plans and half-models. Corrections in the new edition have been unobtrusively made; a very few more illustrations have been added, so that it is published from the same plates with the same page numbers; nor is the rhythm of the story broken.

Once the reader is launched on this epic of how our forefathers thought and acted, and of how much the Ocean had to do with their skills, their economy and their very existence, he will turn to the tabulations for reference again and again. From the primitive Colonial struggles, step by step, we see them build up the ships, the trade, the wealth of the nation. Maury's wind charts of the world mark the pinnacle of the Clipper Ships, themselves a thousandfold more complex than the long-boats of the Phoenicians or the Norsemen. Daring to thresh through the shrieking gale, outdistancing everything in their day, they rose to a brave summit and became a symbol of our nation until a grimy, but kindlier, smoke pushed them aside.

What makes the reading so fascinating is the admiration expressed, the discernment of causes and effects, the beauty of language, the thoroughness of the methods used to commemorate those who sailed the greatest ships. In recording their deeds Carl Cutler has reached a very high standard and made a good adventure book out of a reference work. If there are any faults in this wonderful book, the author has apologized for them in his introduction. However, his able assistants in revision have carried the work close to the proficiency of an encyclopedia.

R. HAMMOND GIBSON

Easton, Md.

Adrienne: The Life of the Marquise de La Fayette. By ANDRÉ MAUROIS. Translated by GERARD HOPKINS. New York: McGraw-Hill, 1961. xi, 483. \$7.95.

Though the term is out of fashion in this mechanistic age, the sense of romance must always be associated with the name of Lafayette. Now to complete the tale of his career comes this book throwing a fresh glow around him. We learn of the headlong emotion of Madame Lafayette's love for him, her voluntary sharing of his prison, and her heroic struggle to save their fortunes after

the Terror. Not only that, but the Introduction by Count René de Chambrun, a descendant of Lafayette and owner of his home, La Grange, reports the almost incredible find there in 1955 of the enormous collection of letters, papers and other valuables of the Marquis on which the book is chiefly based. Important revisions of the accepted biographies of the Marquis are now called for.

The gifted author has marshaled a vast aggregate of material with skill and interpreted it with his usual clarity. He has given us in effect a double biography, for Adrienne's entire life revolved around her husband, save only for her religion which was a thing apart and vital to her. The love she gave him was a phenomenon, so strong as often to threaten swooning, although in many practical affairs she was the stronger of the two. It caused her to support totally his ideas of liberty and of freedom of religion; and also to accept his attachment to one mistress after another. Hers was a humility not given to many; yet she knew when to summon the pride she felt in him. She could manage his business affairs and her own. She persisted despite all the political upsets of the Revolution and its aftermath in having her husband restored to his rights and position. Her last words to him were, "I am all yours." Her name should become a synonym for feminine virtue and courage.

Lafayette is painted as "a man made wholly of feeling," inconsistent in business and marriage, over-idealistic, over-eager for recognition and revelling in the triumph accorded "the hero of two worlds." On the other hand, his devotion to the people's rights as he saw them, through all the turmoil of French politics during 50 years, is happily called "the eccentricity of being consistent." This it was that brought him down. His warm, vivid and voluble letters, many never before printed, are woven into the narrative to recreate both his character and the contemporary atmosphere. American admirers will find here a Lafayette bulking even larger, perhaps, in his country's history than we knew. The turns, counter-turns and overturns of political authority during and after the Terror are brilliantly portrayed. Maurois details the many exchanges between Lafayette and Napoleon.

Those who have visited La Grange and seen the almost incredible garner of Lafayette memorabilia and the loving restoration of the property to its condition in the General's lifetime will welcome this book so evocative of a moving experience. Having been closed as if a hermitage for 75 years, the thick stone walls serving as air-conditioning, the chateau is giving up its secrets as the Chambruns room by room and shelf by shelf are sorting, analyzing and with expert assistance filing for permanent keeping the letters, docu-

ments, journals and newspapers put away by Lafayette himself. There are letters from the founding fathers of the United States, some from Marylanders, as well as files of the *American Farmer* and other Baltimore publications, while on the walls of the stair hang prints of this city.

If any complaint about the book is justified, it is the lack of genealogical tables showing the Lafayette-Noailles lines, (several are included in the French edition, as well as more pictures), and the plethora of details about births, teething and indisposition of collateral relatives. One glaring error is the statement on page 466 that Lafayette spent only four months in 1824 in this country. In fact, he arrived in August, 1824, and departed in September, 1825. M. Maurois has supplied, generally, sources for his statements, but is evidently not familiar with the American literature on Lafayette. J. Bennett Nolan's *Lafayette in America Day by Day*, published in 1924 by the Johns Hopkins Press, would have prevented the slip of the translator who confused the four months tour of the southern and western states with the length of Lafayette's stay in America.

JAMES W. FOSTER

Indian Affairs in Colonial New York: The Seventeenth Century.

By ALLEN W. TRELEASE. Ithaca: Cornell University Press, 1960. xv, 379. \$6.75.

Allen Trelease has told a tale of forest diplomacy among the Dutch, the Swedes, the English, the French and the Indians of New York from the voyage of the *Half Moon* in 1609 to the Iroquois' cession of their western hunting grounds to the British Crown in 1701. Centering his discussion on Dutch and English dealings with the New York tribes, the author castigates both for their myopic concern with the fur trade, and adds a convincing denunciation of the English for their overweening ambition in pretending to sovereignty over the Iroquois. His admiration is reserved (with reservations) for the Indian confederation's largely successful maneuver in maintaining a balance of power among the Europeans and thus gaining freedom for the unimpeded pursuit of its own aims.

Taking issue with earlier historians' tendency to project the sophisticated motives of European diplomats onto the chiefs of the Five Nations, Trelease contends that (1) the Iroquois confederation was not so closely united as has been believed; (2) its wars with the

western Indians were motivated by avarice for furs and hunting grounds, rather than the ambition to monopolize the role of middlemen in the fur trade; (3) its acceptance of English sovereignty was always symbolic and expedient, implying no commitment to renounce independent action when such action seemed more expedient.

Apparently the author's primary intent is to give a chronological account of Dutch and English diplomacy. Writing with zest, elegance, and detachment, he deals critically with the evidence on such familiar topics as land purchase—and repurchase; the traffic in furs, guns, and liquor; conflict and cooperation between settlers and Indians; missions; education; and the gradual demoralization of coastal Indian society. Although he introduces his narrative by synthesizing the anthropologists' analyses of the location and character of the principal Indian groups, his angle of vision in the remainder of the book is basically that of the authors of his documents. Hence, the acculturation of the New York tribes is marginal rather than central to the story. Probably such a vantage point is dictated by the kind and amount of the available evidence. The result is a conventional history written with uncommon critical acuity and stylistic sophistication.

MARY E. YOUNG

Ohio State University

Robert Livingston, 1654-1728, and the Politics of Colonial New York. By LAWRENCE H. LEDER. Chapel Hill: The University of North Carolina Press, 1961. (Published for the Institute of Early American History and Culture at Williamsburg). xii, 306. \$6.

Born in Scotland in 1654 of a staunch Calvinist family, Robert Livingston arrived in America at the age of nineteen, virtually penniless. Yet during the next 55 years, he became one of the most powerful figures in the politics of colonial New York. By dint of hard work, he likewise became a leading merchant and landowner.

Starting out as a minor official in outlying Albany, Livingston gradually ascended the political ladder until he was elected speaker of the colonial assembly. On the way up, he served in many capacities under four governors: Fletcher, Cornbury, Hunter, and Burnet. During the troubles of 1689-1691, he was a firm opponent of Jacob Leisler and was partly responsible for Leisler's execution.

Livingston was one of the first New Yorkers to realize the value

of the Indian trade and did much to extend it westward. Furthermore, as an agent of Governor Hunter, he was active in settling the Palatines in the Mohawk Valley region. His mercantile ventures were widespread and frequently lucrative, although his desire for gain caused him to be involved, almost disastrously, with the notorious Captain William Kidd.

Dr. Leder, who won the first Annual Manuscript Award of the Institute of Early American History and Culture for this volume, has done an amazing amount of research on Robert Livingston, as his footnotes and bibliography attest. He has made available to the reader for the first time the intricacies of New York colonial politics during the last quarter of the seventeenth century and the first quarter of the eighteenth. This was the period when the breach widened between the mother country and the colonies concerning the approach to administrative problems, a breach that boded ill for the maintenance of the British Empire.

Livingston was not a particularly pleasant man. Generally he thought only of himself and his fortune. He was ready to attack anyone who stood in his way, and his scruples left much to be desired. As Dr. Leder says of him:

Within Livingston's personalities were elements which could easily have made him repugnant had they not been balanced by qualities which, though they did not endear him to his enemies, made him at least palatable to his friends. He was eager for success, ambitious and often grasping; he was stubborn, deceitful, and self-seeking, but he was able to blend the concepts of private gain and public service more effectively than most of his fellow New Yorkers. As much as he bewailed his inability to follow mercantile pursuits exclusively, Livingston was a master politician who stood ready to capitalize upon any situation that presented itself and, if need be, to create the situation. And, whether through fate or ability, he frequently found that his interests and those of his colony and the Crown were compatible, if not identical. Thus, by keeping his eye to the main chance, Robert Livingston served himself, the province, and the empire equally well.

Perhaps the strangest thing about this powerful figure was that "his passing evoked no eulogy in the colony's fledgling newspaper, and his family papers contain no letters of condolence from friends or relatives. Even the letters of contemporaries . . . made no mention of his demise." Yet it was this type of man who was needed to help guide the colony of New York through a most troublesome time of its history, and Dr. Leder has contributed greatly to making this hitherto obscure period an important link in the story of colonial America.

O. T. BARCK, JR.

Syracuse University

Historical Statistics of the United States, Colonial Times to 1957: A Statistical Abstract Supplement. Prepared by the Bureau of the Census with the Cooperation of the Social Science Research Council. Washington, D. C.: U. S. Department of Commerce, Bureau of the Census. 1960. xi, 789. \$6.

While no thoughtful man would urge that nothing is valid unless it can be measured, weighed, or counted, it is true that the world has many phenomena that are best described in these terms. Indeed, the number of those phenomena is far larger than might be suspected by some of the historians who place their emphasis upon qualitative differentia. Not only does every generalization have a numerical aspect, but it is that aspect which is more important than any other in determining the degree to which the generalization is right or wrong. Make a general statement of any kind and it will be necessary to ask of it, as the late Sir John Clapham used to remind us: how often? how long? how representative? Numbers alone are not enough. But thoughtful men know that wherever it is possible to qualify a generalization by fixing its numerical dimensions the cause of more exact truth is thereby advanced.

The volume at hand provides an indispensable tool for those who labor in that cause. It brings together in a single source quantitative data from hundreds of scattered sources. And it provides, at the same time, a guide to these other, more detailed sources. The data it presents almost cover the spectrum of contemporary enquiry in the social sciences. Such statistical series as those on national income and wealth, agriculture, labor, business enterprise, and prices, will serve the needs of the student of economic life. Those pertaining to social security and welfare, education, crime and correction, recreation, and religious affiliation, will serve students of social development. Tabulations concerning elections and politics, government employment and finances, and armed forces and veterans, will aid both of the former groups, and also students of political science. The main omission are data covering regions, states, and localities.

Prepared by the Bureau of the Census, with the advice and cooperation of the Social Science Research Council, the present edition is nearly three times the thickness of the pioneer edition of 1949. It is much more than three times the value. A grant from the Ford Foundation made possible the retention of 125 outside consultants, and their expertise has evidently contributed much to the improvement of the first edition in both coverage and accuracy.

STUART BRUCHEY

Michigan State University

American Railroads. By JOHN F. STOVER. Edited by DANIEL J. BOORSTIN for the Chicago History of American Civilization Series. Chicago: The University of Chicago Press, 1961. xiv, 302. \$5.

The literature of American railroading is so immense that anyone attempting a one-volume railroad history must be both brave and learned. Moreover, his learning must be broad; for the full significance of railroad history emerges only when it is written with some command of economics, politics, law, finance and mechanics.

Mr. Stover, professor of history at Purdue, fills the bill admirably. His profound knowledge of his subject and his comprehension of the other subjects inextricably related to it enable him to compress without losing either balance or significance. He avoids the merely picturesque, the anecdote for its own sake, the nostalgia for the iron horse expressed in gassy prose. But he is never at a loss for a significant anecdote or fact that will help to prove a serious point.

Mr. Stover's chapters on railroading since the Civil War are outstanding. The financial immorality of some of the railroad barons of the seventies and their disregard of public welfare produced discriminatory practices that brought Federal regulation in 1887.

Mr. Stover brings his work down to 1960, thereby demonstrating that history can be a straitjacket as well as an illumination. "In the mid-twentieth century," he comments, "the nation's railroads were still under nearly total regulation, even though the days of monopoly were long since gone." Even the astonishing technical advances that have transformed railroading in recent decades have not sufficed, as Mr. Stover emphasizes, to overcome such artificial burdens as subsidies to railroad competitors, discriminatory taxation and enforcement of laws once effective to curb the rapacity of a Fiske or the explosions of steam boilers, but meaningless today.

EDWARD G. HOWARD

Baltimore, Md.

The Burden of Southern History. By C. VANN WOODWARD. Baton Rouge: Louisiana State University Press, 1960. xiv, 205. \$3.50.

A reader of the numerous works of Professor Woodward comes to expect new and scintillating insights into the history of the South. Yet with each new book there are provocative surprises. *The Burden of Southern History*, a collection of essays published in various journals during the past decade, is no exception. Here we

find the scholar who has probed deeply in his field reflecting and interpreting. The result is a work that transcends regional history in any limiting sense of the term.

The questions that Professor Woodward raises are questions that are important to the South today, but they are also pertinent for the whole nation. What is the effect of the "bulldozer revolution" which has now moved to the South, and will it bring an end to the South as a differentiated region whose people think of themselves not only as Americans but as Southerners? Is this Southern identity worth preserving? What is the meaning of the literary renaissance that has been going on in the South throughout most of the twentieth century? What lessons can historians learn from the literary men? Was Southern, and Western, Populism a genuine reform movement reflecting what is best in the American tradition, or did it pave the way for McCarthyism? What is there in the Southern experience that the nation might ponder in the assessment of its role and the determination of its policies in the twentieth century world? In dealing with these questions the author is sometimes social scientist, sometimes literary critic, and at other times political theorist, without ever abandoning common sense. The result is the product of the mature mind grappling with the complexities of history.

In spite of the separateness of these essays, each of which can stand alone, when brought together they present a consistent theme. Some aspects of the Southern tradition, it suggests, are worth preserving. Populism, while it had its racist and zany side, had its liberal side too and was not only by Bible Belt "Rednecks" but by Anglican gentlemen as well. The experience of the South, the only region in America to endure military defeat and occupation, is worth looking into if for no other reason than to demonstrate the fallacy and danger of the chosen people concept in America.

In no sense is this a nostalgic book about the South or the Lost Cause. Rather it is the product of a lucid thinker who seems to view history as one possible vehicle for the advancement of wisdom and understanding at a time when it is desperately needed.

Although Professor Woodward would be the last to make such a claim, his own career as a scholar, and this book in particular, provides ample evidence of one of the points he makes—that a man with a Southern background and education, one who has shared the Southern experience, may work from a vantage point in bringing illumination and compassion to the study of history.

PATRICK W. RIDDLEBERGER

Southern Illinois University

Colonial Virginia. By RICHARD L. MORTON. Chapel Hill: University of North Carolina Press, 1960. 2 vols., xvi, x, 883 pp., illustrated. \$15.

From the first settlement at Jamestown in 1607 to the Declaration of Independence Virginia was at the forefront of affairs in British North America. The first permanent English colony in America in the seventeenth century, it was not only the largest and most populous but also the most highly prized British possession on the continent in the eighteenth century. When the Stamp Act threatened colonial rights, Virginia sounded the call to resistance, and Virginians were conspicuous throughout the heated debate that followed and in the affairs of the new nation for the next half century. These extraordinary achievements have captured the imaginations of the twentieth-century American public. The restorations at Williamsburg and Jamestown have revealed the romantic qualities of colonial Virginia, and a number of excellent monographs have unlocked some of the secrets of its early genius. Despite this surge of interest, there has been no general history of the colony since Charles Campbell's one-volume account appeared in 1860. Publication of this excellent study by Professor Richard L. Morton, one of Virginia's most distinguished historians, is therefore a particularly welcome event.

Professor Morton's two volumes trace the history of Virginia down to 1763. The first volume, *The Tidewater Period*, takes the colony through its first century. During these years it was occupied with problems of adapting to the American environment and of laying the foundations for a stable society. This last problem was complicated by the fact that the colony's fortunes were inextricably tied to the vagaries of English politics. Three times within little more than a half century events in England—the fall of the Virginia Company, the triumph of the Commonwealth, and the Restoration—disrupted the colony's political life. The Restoration seemed to promise more stability, but just fifteen years later conditions within the colony produced a new and unsettling upheaval, Bacon's Rebellion. In its wake came a long series of controversies between successive royal governors—Culpeper, Howard, Andros, and Nicholson—and the rising plantation gentry that would culminate in a state of political equilibrium between royal authority and local control. For most of this story Morton follows the interpretations of earlier scholars, Brown and Craven on the company years and Wertenbaker for the Stuart period. On Bacon's Rebellion he is closer to Wertenbaker than to Washburn. He agrees with Wash-

burn that the rebellion had its immediate roots in the Indian troubles, but he also supports Wertenbaker in his judgement that it unleashed latent democratic forces stifled by a decade of Berkeley's tyrannical rule and became a struggle for liberty and political change.

The second volume, *Westward Expansion and Prelude to Revolution*, covers the period from the arrival of Spotswood as lieutenant governor to the conclusion of the Great War for Empire. The pattern of conflict that had characterized the years since Bacon's Rebellion continued as Spotswood sought to lessen the political power of the gentry. His successors, Drysdale and Gooch, reached an accord with the colony's leaders as did Dinwiddie, after his unfortunate attempt to establish the pistole fee without the consent of the House of Burgesses, and Fauquier. The years from 1710 to 1750 saw two important developments: the rise of the Burgesses to political predominance and the westward expansion of the colony across the Alleghenies. These two developments set the stage for the events treated in the last half of the volume, Virginia's role in the conflict with France over the Ohio country and the emerging contest between the colony and Crown authorities over home rule. In what is the best and most comprehensive discussion yet published of the parsons' cause, the author succeeds in putting that dispute in clearer perspective and in assaying its relationship to the revolutionary movement in Virginia. Originally a protest by the clergy against the increasing secular control of the church and the College of William and Mary, it produced much dissatisfaction among Virginia politicians over imperial interference in matters of purely local concern.

This work is a conventional narrative history, emphasizing political happenings at the expense of economic, social, and intellectual developments. And it has a whiggish hue which may prevent the author from achieving a thorough understanding of those men and events which now seem to have stood in opposition to the advance of liberty and progress. But these are minor flaws. By sketching in the details of those shadowy years between Bacon's Rebellion and the Great War for Empire Professor Morton has made a major contribution, and his mastery of the sources, his thoughtful use of important secondary works, and his lively style combine to make this handsome set a sound and readable work. It will undoubtedly remain the standard history of colonial Virginia for many years to come.

JACK P. GREENE

Western Reserve University

The Confederacy. By CHARLES P. ROLAND. Chicago: The University of Chicago Press, 1960. xvii, 218. \$3.95.

The Confederacy by Charles P. Roland is one of the recent volumes of *The Chicago History of American Civilization*, edited by Daniel J. Boorstin. *The Confederacy*, like most of the books in this series, is very readable, well organized, interpretative and nicely published.

Prof. Roland has not attempted to present any really new or additional interpretations of the Confederacy. But he has presented a brief history of the Confederacy without the usual "quicksand of minute facts." Broad movements, policies and explanations are the points emphasized.

In tracing the Confederacy from its rapid birth to its also rapid death, the author relates such topics as political, economic, social, and diplomatic aspects of the Confederate Government, state's rights, Southern preparations for the war, conflict of interests within the Confederacy, and the beleaguered southern people.

In Maryland during the Civil War, draft dodgers, and deserters hid in the Pocomoke Swamp. Where does one hide from the overwhelming tidal wave of present day Civil War books? *The Confederacy* is not a volume for the library of either the professional Civil War historian or the Civil War "buff," yet it might just whet the interest of some readers enough for them to join the thousands on the road to Appomattox Court House. The value of this work is in its clear, concise presentation. Here is a good, brief, readable account of the Confederacy for the thousands of Americans who desire to have an intelligent understanding of the great conflict without having to become a "CIVIL WARRIOR."

WILLIAM H. WROTEN, JR.

*State Teachers College,
Salisbury, Md.*

Meade of Gettysburg. By FREEMAN CLEAVES. Norman: University of Oklahoma Press, 1960. xi, 384. \$5.

General George Gordon Meade (1815-1872) is best remembered as the Union commander who defeated Robert E. Lee at Gettysburg, and then failed to follow up his victory. Behind this one sentence epitaph of one of the Union's most outstanding military leaders is the story of a regular army officer who served his country well, but perhaps undistinguished for over forty years. He was a highly respected officer, well liked and greatly admired by all who

served under him. This book is, therefore, the life of one of the more capable of the commanders of the Army of the Potomac and a welcomed addition to the ever growing and unceasing flow of Civil War literature.

Meade, according to Cleaves, certainly operated under great disadvantages while he was in command of the Army of the Potomac. He had to keep his army ever between Washington and the enemy. In addition, he could not act unless his plans were approved by Washington. Finally, he was thwarted both by Lincoln and General Halleck and forced to remain inactive. This situation was not remedied until Grant assumed command in 1864.

This book contains very little about Meade's personal life. It is, rather, more concerned with the account of the Civil War battles in which Meade participated. Cleaves defends Meade's failure to pursue Lee after Gettysburg by pointing out that "no Civil War commander, after any exhausting two-day battle, ever did pursue."

The author has written this book primarily from secondary sources. He did not use any extensive collection of Meade papers, because these do not exist. In addition, he has failed to consult the voluminous Meade correspondence in the Civil War records at the National Archives, even though he has cited the *Official Records of the War of the Rebellion*. One wishes that the author could have used the papers of Meade's contemporaries such as McClellan, Hooker, Sickles, Porter, Sheridan, and Howard, all of which are available to tell what the army thought about Meade. The appearance of this book, moreover, points out the needs for the publication of biographies of other Meade contemporaries as we celebrate the centennial of the tragic events of 1861 to 1865.

FRANK F. WHITE, JR.

Maryland Hall of Records

Ferry Hill Plantation Journal. January 4, 1838—January 15, 1839.

Edited by FLETCHER M. GREEN. Chapel Hill: The University of North Carolina Press, 1961. xxv, 139. \$2.50.

With publication of the Ferry Hill Plantation Journal, Volume 43 of The James Sprunt Studies in History and Political Science, another fragmentary record of a vanished way of life is made available to the public. In this case, North Carolina has done Maryland a favor, since the Ferry Hill property was located at Swearingen's Ferry on the Maryland side of the Potomac on the present day road from Shepherdstown to Sharpsburg.

John Blackford, the writer of the journal, was a wealthy businessman with many interests in the community in which he lived. His journal is a day to day account of his dealings with his family, his friends, and his slaves, as well as a record of the management of his plantation and ferry on the Potomac. Due to the brief time span which the journal encompasses, the casual reader may not find Blackford's notes very interesting, but the scholar will appreciate the editor's thoughtful introduction and exhaustive footnotes.

Any reader will be amused by Blackford's imaginative spelling and extremely tolerant view of the sea of whiskey which all but swallows up many of his slaves and hired hands. The occasional countryman who browses through this little volume will be pleased with the insight afforded of 1840 agriculture, of apple butter, barbecues, butchering, cider making, crops, fishing, ice houses, peafowl, "plaster," sheep, slaves, threshing, lumbering, and shooting. In short, this reviewer is delighted with the Ferry Hill journal.

C. A. P. H.

The Real Abraham Lincoln. By REINHARD H. LUTHIN. Introduction by ALLAN NEVINS. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., xxviii, 778. \$10.

The Lincoln that emerges from Dr. Luthin's study is in many respects a familiar figure. But he is not the principled lawyer, the liberal statesman, or the master of military strategy that some recent writers have claimed. The real Lincoln, Dr. Luthin insists, was above all a conservative, a die-hard Whig, a reluctant Republican, and, at all times, a cautious politician with an ear to the pulse of public opinion.

The author is at his best in his treatment of the prairie years. He rejects flimsy evidence, marshals an impressive array of facts, and draws liberally from recent scholarship for fresh interpretations, particularly in his presentation of Lincoln's career in law. He stresses the influence of a frontier environment and finds that in Illinois politics Lincoln gained a fund of experience; but he concludes that throughout these years Lincoln "drifted with the tide, and up to his election as President . . . left no record of achievement, except the quest for office."

Approximately the last two-thirds of the book is devoted to the presidential years. In this portion of his study the author plunges into controversial issues and takes strong positions on a number of

the period's major problems of historical interpretation. There should be no criticism of this procedure so long as the method is sound. Yet this is precisely where the author is occasionally at fault. A case in point is the Lincoln-McClellan relationship, in which Dr. Luthin develops a pro-McClellan thesis partly by editorializing and by withholding evidence that is damaging to the General. Little or no consideration is given to McClellan's meddling in political affairs, his proclivity to overestimate enemy strength and repeatedly call for reinforcements, his indecision and procrastination just before and during battles, and his failure to co-ordinate his attacks and to use all of his men in battles.

The author's coolness towards Grant derives in part from a faulty understanding of the General-in-Chief's grand strategy in 1864-65. Dr. Luthin treats the campaign from Culpeper to Petersburg not as part of a vast, co-ordinated attack against the Confederacy, which it was, but as an independent, isolated operation, which it was not. But even allowing for this misconception, this reviewer disagrees with the conclusion that the campaign failed.

The volume contains several surprising factual errors, numerous evidences of careless proofreading, and occasional lapses of style. While the work is undocumented, the chapter-by-chapter annotated bibliography at the back of the book is excellent.

FREDRICK D. WILLIAMS

Michigan State University

The Origin and Meaning of the Indian Place Names of Maryland.

By HAMILL KENNY. Baltimore: Waverly Press, 1961. xix, 186. \$7.

Dr. Kenny's book gives ethno-historians and place-name scholars occasion to rejoice. The subject of American Indian place-names has been treated both superficially and inexpertly, with so many invalid interpretations founded on whim or fancy, that a methodical, linguistic approach by an informed writer is an important contribution to knowledge. There have been a few others—but they are all too rare. Kenny's book is, in fact, the first exclusively Maryland Indian place-name volume.

During the period of exploration and settlement, the English encountered the Conoy (Piscataway) and Nanticoke Indians, as well as certain Powhatan affiliates, living on the Maryland waterways. Culturally related to the Nanticoke were the Choptank,

Pocomoke, Assateague, and other bands found on the Eastern Shore. Many of the Maryland Indian communities, as Kenny emphasizes, were named from the streams on which they were seated. Other Indians not native to the area—the Shawnee, Delaware, Susquehannock, Seneca, etc.,—camped, hunted, or settled temporarily in Maryland. Today's problem is to relate some 315 existing place-names of Indian provenience to the particular Indians responsible for them; to identify the original places or physical features bearing the names; and to interpret the names without benefit of a grammar, dictionary, or native speakers. Since the dialects of the Algonkian tongue spoken by the pre-literate Powhatan, Conoy, and Nanticoke are now extinct, verification of interpretations is difficult, and, in many instances, impossible. Furthermore, to complicate the problem, names have changed from one Indian place-name to another; from Indian to English and again to Indian; from a colonial name to Indian; and from an Indian name to English. The author cites typical examples of each type of change. Superfluous English generics, he also adds, have been attached to Indian place-names. *Susquehanna* means "smooth flowing stream," says Kenny, and on linguistic grounds does not need the word river tacked on. *Chesapeake* in Algonkian is translatable as "great shell-fish bay," and adding the English word bay to the Indian word is redundant.

Kenny's interpretative approach—to the extent it is practicable—is to apply what he terms the Comparative Method. The basis of the method is that there was once a common, original Primitive Algonkian parent language, which no Algonkianist would dispute. The trick, and it's a neat one if you can do it, is to reconstruct a Primitive Algonkian archetype from the cognate stems of the several known and recorded dialects, such as Fox, Cree, Menominee, Ojibway, and Abnaki, and then make phonetic inferences. Also, according to the author, the interpreter must be guided by two broad rules, (a) the earliest European spelling of an Indian word is probably the most phonetic one, (b) later spellings, often contrived, are the most corrupt and popular. For instance, as Kenny explains, Rockawalking Creek does not refer to a Mr. Rock walking to town one day instead of riding (according to folk etymology), but the earliest recorded Algonkian forms *Rockawakin* and *Rokiawaken*, as assessed by the Comparative Method, can be postulated to mean "at the sandy ground." Kenny admits that the Comparative Method, or, in fact, any system will not eliminate uncertainties, and he states frankly that he refuses to cloak doubt under the recommendation of an unfounded meaning. This conservatism is the mark of a scholar for which Kenny is to be admired and commended.

The book consists of two principal parts; first, an Introductory Essay dealing, among other things, with ethonology and tribal migrations. It also contains a separate note on a 17th century Algonkian grammar, dictionary, and catechism believed to have long sought these lost writings, including Kenny himself, who searched the libraries of Rome on five different occasions without success.

Part two is the Dictionary containing 228 entries, each giving location, map or documentary spelling, previous opinions, and the author's own conclusions. There is also an Appendix containing 28 entries of "Extinct, Misspelled, Scantily Documented Names, Apparently Indian" supplied by William B. Marye, and 38 entries entitled "Words Found by Mr. William B. Marye in Patent Records for Land, Land Office, Annapolis."

In the first section, Kenny generously gives to *Bulletin 30* of the Bureau of American Ethnology (the so-called "Handbook") greater credence than most ethno-historians are willing to accord a work published more than 50 years ago, and in need of up-dating. For example, the contributors to the "Handbook" of data on the Maryland Indians were gravely in error in their appraisal of the Nanticoke. (see fn. 45 of my *The Nanticoke Indians*, Penna. Hist. & Museum Commission, Harrisburg, 1948, a title missing from Kenny's bibliography)

The Dictionary will have to stand on its own merits, and Kenny will not expect full agreement on all of his interpretations, which, as previously indicated, cannot, at this late date, be varied and largely depend upon judgments. I am glad that he did not labor the theory that the name of the town of Vienna, Maryland is derived from a contraction of the Nanticoke Emperor Unacokasimmon, which would be difficult to establish by the Comparative Method, and does not yield to proof by historic evidence. Although an Emperor's Landing may have been at Vienna (there were more than one Emperor's Landings in Maryland) it is far from certain that it honored this particular Algonkian potentate. Unacokasimmon was succeeded as emperor by his brother Ohoperoon in 1687, who was succeeded by his nephew Asquash in 1692. These successive aboriginal emperor "coronations" probably took place before Vienna was laid out.

Perhaps the patently non-Indian names in the Dictionary (Johns Hammock, Handys Hammock, Jamaica Point, Savage Mountain, Savage Neck, Locust Necktown, Paint Branch, and others) should have been separated from the true Indian words and listed as "pseudo-Indian." This is strictly a personal observation that in

no way is intended to detract from Kenny's interesting and valuable syntheses of the Maryland place-names of indisputable Indian origin.

One listing in the Appendix is "Their Quankosine House," taken from a 1713 entry in the *Maryland Archives*. The author suggests this is "perhaps a contraction of goose (*kahunge, kahanquuo*)" and lets it go at that. William B. Marye in two essays published in *American Antiquity* ("Former Indian Sites in Maryland As Located by Early Colonial Records, 2: 40-46, and "Burial Methods in Maryland and Adjacent States," *ibid.*, 209-214) cites *Quiankeson Neck* (on the Nanticoke River), *Cuiaskason Swamp* (on the Choptank River), and *Quacotion House Point* (on a branch of the Pocomoke River). These place-names are all seemingly derived from the *Quioccason*=*Chiacason* house, the burial temple, or charnel house, of the Maryland Indians. The survival of the word in its several variants is of utmost importance to the ethnologist and archeologist in tracing the geographical distribution of a mortuary custom that included bone scraping and secondary burial in ossuaries. It would have been of more than casual interest if the author had elected to reduce this word to English by the Comparative Method (it also occurs in the Carolinas and is recorded by Lawson as *Quicason*, and is found in the William Vans Murray 1792 vocabulary of the Choptank Indian remnants as *Quacasun-house*). I dare say the end product of a careful analysis of the several forms would kill the "goose."

Kenny's study reveals that the largest percentage of Maryland's surviving Indian place-names have reference to water, attesting to the fact that the local Indians lived on or near water, travelled by water, and depended upon fishing for a livelihood. Land names are second in importance, including words relating to hills, earth, and dwelling sites. Animals are third in number, e. g., beaver, gull, porcupine, goose, wildcat, possum, etc. Other names reflect plants, wearing apparel, ceremonies, weather, agriculture, and commerce.

The book is well indexed, which adds to its usefulness as a valuable reference work. The selected bibliography contains an imposing list of titles, indicative of the painstaking research that went into the preparation of one of the outstanding books of its kind.

G. A. WESLAGER

Ghost Towns of Talbot County. By JAMES C. MULLIKIN. Easton, 1961. 51 pp. \$1.

In this valuable pamphlet Mr. Mullikin presents the stories of Talbot County's "ghost towns"—York, the first county seat; Dorchester, or Wyetown; Dover, which aspired to be the capital of the Eastern Shore; and Kingston, longest-lived of the four river-ports. The author has combed previously printed materials, as well as the archives of the state and of the county, to assemble all known data. His easy style and careful differentiation between fact and folklore are a happy combination. Two maps, three halftones and a cover by Yardley of *The Sunpapers* enhance the usefulness and attractiveness of the publication. The field for such pamphlets is wide. One hopes that Mr. Mullikin will not rest on his laurels, and that local history enthusiasms in other sections of the state will follow his example.

HAROLD R. MANAKEE

Amphibian Engineer Operations: Volume IV, Engineers of the Southwest Pacific, 1941-45. Washington, D.C.; U. S. Government Printing Office, 1959. 766.

Receipt by the *Magazine* of a presentation copy of the most recently published volume of an official history of the ENGINEERS OF THE SOUTHWEST PACIFIC, 1941-45, calls for notice of an important historical activity which not only has its headquarters in Maryland but is one in which a number of Maryland historians have been, and are, participating. The Historical Division, Office of the Chief of Engineers, Department of the Army, located in Baltimore since its creation in 1946, has published eight volumes on the history of the Army's Engineers, in various series. These include, in addition to the one mentioned, four volumes for the U. S. ARMY IN WORLD WAR II, of which Dr. K. R. Greenfield, an officer of the Society, was General Editor until 1958; a history of the Engineers in the Cold War; and *A History of the Corps of Engineers from 1775 to the Present*. Dr. Jesse A. Remington, the Director of the program, is a Marylander. Several of the authors working with him hold degrees from the Johns Hopkins University and Goucher College.

KENT ROBERTS GREENFIELD

BOOKS RECEIVED

- John Pendleton Kennedy, Gentleman From Baltimore.* By CHARLES H. BOHNER. Baltimore: The Johns Hopkins Press, 1961. x, 266. \$5.50.
- Queens of the Western Ocean: The Story of America's Mail and Passenger Sailing Lines.* By CARL C. CUTLER. Annapolis, Md.: The United States Naval Institute, 1961.
- Greyhounds of the Sea: The Story of The American Clipper Ship.* By CARL C. CUTLER. Annapolis, Md.: The United States Naval Institute, 1961. xxvii, 592. \$12.50 apiece, \$20 the set.
- The Papers of Henry Clay: Volume 2 The Rising Statesman 1815-1820.* Edited by JAMES F. HOPKINS and MARY W. M. HARGREAVES. Lexington: The University of Kentucky Press, 1961. 939. \$15.
- The First South.* By JOHN RICHARD ALDEN. Baton Rouge: The Louisiana State University Press, 1961. 144. \$3.50.
- The Origin and Meaning of the Indian Place Names of Maryland.* By HAMILL KENNY. Baltimore: The Waverly Press, 1961. xix, 186. \$7.
- Titian Ramsay Peale 1799-1885 And His Journals of The Wilkes Expedition.* By JESSIE POESCH. Philadelphia: The American Philosophical Society, 1961. x, 214. \$6.50.
- Old Gentlemen's Convention: The Washington Peace Conference of 1861.* By ROBERT GRAY GUNDERSON. Madison, Wisc.: The University of Wisconsin Press, 1961. xiii, 168. \$5.

NOTES AND QUERIES

MSS of Committees of Observation—Before the outbreak of the America Revolution, Committees of Correspondence were formed, to spread propaganda, disseminate information of British moves, and strengthen intercolonial unity, even before independence was openly advocated. Out of these bodies came the Committees of Safety which were extra-legal. From these Committees of Safety developed the state governments.

The Maryland counterpart of such committees was the Committee of Observation, and it appears to have had a surer legal basis. The Maryland Convention, of which the Council of Safety was the executive committee, recommended that the freeholders in each county elect a Committee of Observation for that county (Arch. Md., XI, 27). The Maryland Historical Society has the proceedings of some of these bodies, especially for the districts of Frederick County. Samuel Purviance, who had more zeal than wisdom, was chairman of the Baltimore County committee.

Both the Committee of Correspondence and the Committee of Safety have been given definitive treatment (Collins, E. C., *A. H. A. Reports*, I, 1901; Hunt, Agnes, *The Provincial Committees of Safety*.)

E. D. Burnett says (*DAH* IV, [474]) that the Revolution was stirred up by committees, organized by committees, and largely conducted by them. "By the time the break came with Great Britain the whole country . . . was afire with committees."

ELIZABETH MERRITT

To the Correspondents of the Longwood Library—Formerly of Kennett Square, Pennsylvania, the Longwood Library has been moved into Delaware and combined with the library of the Hagley Museum under the auspices of the Eleutherian Mills-Hagley Foundation. The name of the merged institutions will be the Eleutherian Mills Historical Library. Its postal address will be Greenville, Wilmington 7, Delaware, and its telephone number OLYMPIA 8-2401.

CHARLES W. DAVID
Director, Longwood Library

Van Horne—Wanted, the first name of the husband of Elizabeth Van Horne (Horne or Horn) who married ——— Walmsley around 1770 or before; also the names of his parents and their children, the dates of marriage, births and deaths. Elizabeth was the daughter of Nicholas Van Horn.

MRS. DAVID C. LOKER
1201 Napoleon Avenue, Apt. B.
New Orleans 15, La.

A Seminar in Maryland History is being created as an organ of the Society, to promote the use of the Society's rich collections of manuscripts by historical scholars from Maryland and other parts of the United States.

The Seminar will be directed by Dr. Kent Roberts Greenfield, Chairman of the Society's Publications Committee, who was formerly Chairman of the Department of History in the Johns Hopkins University, and more recently Chief Historian of the Department of the Army. It will be modelled on the type of Advanced Seminar in History in use at the Johns Hopkins and employed by Dr. Greenfield to develop the books published in the UNITED STATES ARMY IN WORLD WAR II, of which Dr. Greenfield was General Editor until 1958.

The Seminar will meet to discuss projects of research and writing, or draft chapters of manuscripts, by scholars whose work gives promise of making substantial contributions to the history of America, and provide such students with guidance and criticism.

The members of the Seminar are: Professor Rhoda M. Dorsey, Goucher College; Mr. Wilbur H. Hunter, Jr., Peale Museum; Professor Aubrey C. Land, University of Maryland; Dr. Morris L. Radoff, Hall of Records; Dr. F. Wilson Smith, the Johns Hopkins University; and Mr. C. A. Porter Hopkins, Maryland Historical Society, Secretary.

Other scholars who have a special knowledge of the subject under discussion will be associated with this panel as the occasion requires.

Students who wish to have their work discussed by the Seminar are invited to address their inquiries to:

Dr. K. R. Greenfield
Director of the Maryland Historical Seminar
The Ambassador, Apt. 1012, Baltimore 18.

CONTRIBUTORS

ROBERT L. ALEXANDER is Professor in the Department of Art of the State University of Iowa. He is a student of architectural history and has contributed several articles on the subject to this and other journals. His latest, on William Small (*q.v.*), appeared in the *Journal of Architectural Historians* (May, 1961), 63-77.

EDWARD G. RODDY is instructor in history at Merrimack College, North Andover, Massachusetts. His article on the election of 1800 is the outgrowth of a seminar in Early American History at Georgetown University from which he received the doctorate in June, 1961.

MARVIN E. GETTLEMAN is lecturer in American Government in the City College of New York.

S. SYDNEY BRADFORD is curator of the Morristown National Historical Park, Morristown, N. J. His latest article was published in June, 1961 number of the *Magazine*.

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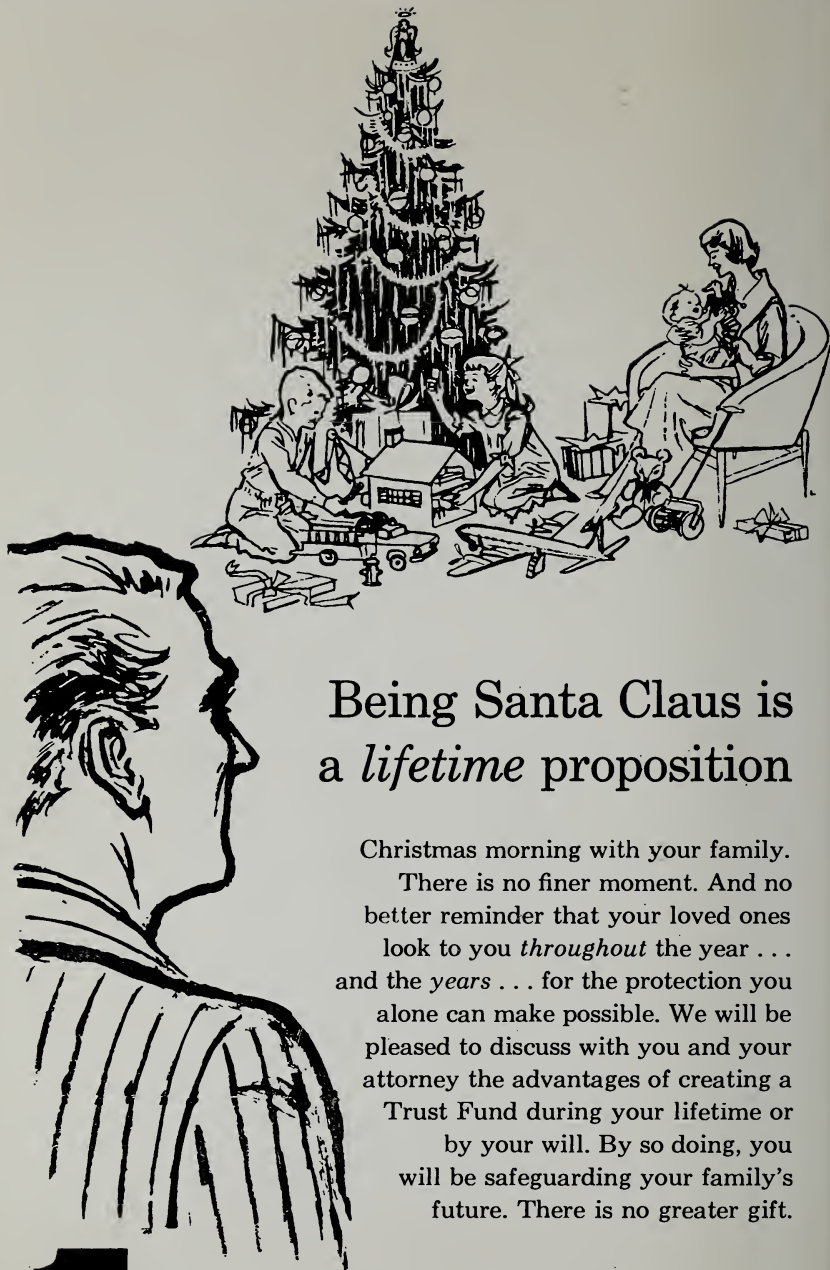
Diesen beyden Ehgatten, als Georg Ehrhart - und seine eheliche Gattin
Frau Catharina geborene Sauran ist ein Sohn -- zur Welt gebohren, die:

Johann Valentin Ehrhart
unser Herr Jesu 1765 den 7 ten Tag wider um 9 Uhr nachmittags --
im Zeichen de -- In, weil alle Menschen in Sünden empfangen und geboren, laut Christi Lehre alle Kindlein
zu Jesu sollen gebracht werden, wie der Evangelist Marcus 10, v. 15. x. bescheibet, daß, wer das Reich Gottes nicht empfahet als
ein Kindlein, der wird nicht hinein kommen: mithin dieß, durch die heilige Taufe in den Gnaden-Bund Gottes einverleibt, und von
Her hinhier Pfarrer den 7 ten Tag vorerwähnt - getauft und gene-
net worden, wie oben gemeldet. Taufzeugen sind Valentin Cungen über und
Johanna Sauran oben gemeldeter. Mutter Ehrhart ist gebohren und getauft
worden, in America in der Provinz Maryland, in Frederick
County in der ersten Zeit.

Wenn wir taufen gebeten werden. Ist vom ersten Lebensstrich, bis ins kühle Grab der Erben, War ein kurz gemeßener Schritt. Ach mit jedem Aushauchen!
Gehet unser Kraft zu Ende, Und wir sind mit jedem Jahre, also raff, zur Todtenbahn. Und wer weiß in welcher Stunde, wo die letzte Stimme redet:
Dann Gott hat's mit seinem Bunde, keinem Menschen noch entzogen. Wer sein Haus nun wohl behält, geht mit Frieden aus der Welt.
Da die Sicherheit bligegien: ewigs Erbden kan erlangen. Aufschreiben

1764.

MARYLAND HISTORICAL SOCIETY
BALTIMORE
December . 1961



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MARYLAND HISTORICAL MAGAZINE

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THE SCHOLARLY RESPONSIBILITY OF AN INDEPENDENT HISTORICAL SOCIETY

By WALTER MUIR WHITEHILL

IN the Boston business district, at the corner of School and Washington Streets, there has stood for nearly two hundred and fifty years an ancient red brick house with a gambrel roof. It was built, soon after a great fire of 2 October 1711 that levelled the center of the town, by Thomas Crease, an apothecary, on land owned in the sixteen thirties by Anne Hutchison's husband William. Occupied as a dwelling house for more than a hundred years, it acquired literary connotations during the nineteenth century as the place of business of the publishers Ticknor and Fields, and as the Old Corner Book Store. Ninety years ago Mayor Nathaniel B. Shurtleff expressed the hope that this ancient landmark "will be allowed to remain, for many

years to come, standing in its present form." It was, through many changes in the region, allowed to remain, but with a minimum of affection and respect. After the owners of the Old Corner Book Store moved their business elsewhere in 1903, the building fell to less appropriate uses. Of recent years it has been almost concealed from view by a vast billboard and a variety of gaudy signs affixed by its modern tenants. A passer-by would be more aware that pizza was to be had within for fifteen cents than that he was in the presence of one of the oldest buildings in Boston, the resort a century ago of the greatest New England literary figures.

Last autumn there arose a strong probability that the building would soon be purchased for demolition because of the value of its site. The owner, who had bought the property a few years before as a real estate investment, wished to sell before the end of the year. Although time was extremely short, Mr. John Codman, Chairman of the Beacon Hill Architectural Commission, organized an Old Corner Committee which secured an option for the purchase of the property, requiring an equity payment of \$50,000. The Mayor of Boston promised an abatement of taxes to a figure calculated to allow rents to cover all running expenses, mortgage requirements and taxes, on certain conditions. These were that title be taken by a nonprofit organization; that deed restrictions be placed on the property designed to insure its preservation and gradual restoration to its 1850 exterior appearance; that the Committee demonstrate real effort to improve the property as rapidly as possible; and that realistic rents be charged all tenants to whom space in the building might be rented.

To meet the requirement of a nonprofit organization Historic Boston, Inc. was created on 25 October 1960, with the broad purpose of preserving significant buildings, finding appropriate uses for them, commercial or otherwise, and if possible keeping them on the tax roll so that they may continue to be tangible as well as intangible assets to the City of Boston. A public announcement of the effort to save the building was made on 14 November. There was no time to plan a conventional campaign; no sense, in view of the Christmas mails, in attempting wide circularization. Yet through magnificent cooperation of the press and personal solicitation by devoted

friends, it proved possible before the end of December to raise more than the \$50,000 required for the equity payment. Historic Boston, Inc., received its charter from the Commonwealth of Massachusetts on 29 December and took title to the building the following day.

Much still remains to be done, but the building is now in safe hands and its preservation is assured. The most significant part of the venture was the wide response, not only in Boston but in many distant parts of the country, from donors, large and small, once the need became known. It was heartening to discover how many hitherto unknown friends genuinely cared for the building and what it represented in the historical continuity of Boston. Many of those were reached by comparative photographs generously published by Boston and New York newspapers of the building as it is today and as it had been in the past and should be in the future.

My pleasure in this generous response to pressing needs in historic preservation was in no way diminished by reflecting how much easier it apparently is to gain needed support for a building, for something that shows and that can be seen, than for the acquisition and preservation of historical sources, like the Latrobe papers, that do not show. Yet this last is the problem of every privately supported historical society in the country that maintains a library and manuscript collection.

Certain things, like historic buildings, paintings, and handsome museum objects, are susceptible of dramatic effect. These readily attract attention, and, by the use of photographs, tell their own story. Yet the affairs of the mind are seldom adapted to spectacular presentation, either in the succinctness of the press release or the breathless excitement of the radio announcer who frightens his audience by magnifying the force of an approaching hurricane or political crisis. During the Christmas holidays each year an extraordinary number of serious communications, representing long research and deep thought, are presented at the meetings of the American Historical Association, the American Association for the Advancement of Science, and other learned societies, yet the few of these that are reported in the daily press are tricked out with headlines that are as misleading and foolish as those that sometimes adorn the accounts of Sunday's sermons at a time when murders and political scandals are scarce.

The doings of libraries are even less susceptible of dramatic presentation than the results of teaching and research, for a library exists to satisfy the unpredictable wants of an amorphous body of readers, present and future, and a librarian seldom knows anything of the effect that the books and manuscripts committed to his charge have upon those who read them. Grateful words are often spoken and acknowledgments included in prefaces, but there is no means known to man of measuring the true effect of a library's work.

Now the heart of a historical society is its library, without which it has little reason for existence, yet this heart is often less noticed, less appreciated by the world in general, than some of a society's peripheral occupations. In 1791, the year of its foundation, the Massachusetts Historical Society—the first to be established in the United States—issued a circular letter which began:

A Society has lately been instituted in this town, called the Historical Society; the professed design of which is to collect, preserve and communicate, materials for a complete history of this country, and accounts of all valuable efforts of human ingenuity and industry, from the beginning of its settlement. In pursuance of this plan, they have already amassed a large quantity of books, pamphlets and manuscripts; and are still in search of more; a catalogue of which will be printed for the informtion of the public.

The Reverend Jeremy Belknap, founder of the society, expressed a principle of general application and of the highest importance when he wrote to his friend Ebenezer Hazard: ¹

We intend to be an *active*, not a *passive*, literary body; not to be waiting, like a bed of oysters, for the tide (of communication) to flow in upon us, but to *seek* and *find*, to *preserve* and *communicate* literary intelligence, especially in the historical way.

Again in 1795, in anticipation of scrounging documents from John Hancock and Samuel Adams, Belknap wrote to Hazard: ²

There is nothing like having a *good repository*, and keeping a *good lookout*, not waiting at home for things to fall into the lap, but prowling about like a wolf for the prey.

¹ Massachusetts Historical Society, *Collections*, 5th ser., III, 245.

² *Ibid.*, pp. 356-357.

The New-York Historical Society, the next to be founded, less than three months after its organization in 1804 issued an address "To the Public" indicating the types of material desired for its library, and furnishing the timeless apologia for such collecting in this succinct phrase:

... for without the aid of original records and authentic documents, history will be nothing more than a well-combined series of ingenious conjectures and amusing fables.

The American Antiquarian Society, established at Worcester, Massachusetts, by the scholar-printer Isaiah Thomas, in 1812 similarly undertook the collection of printed and manuscript sources for its library.

During the first half of the nineteenth century, societies with like aspirations and purposes sprang up in many states. These were voluntary associations of private individuals—usually merchants, lawyers, doctors, and clergymen—who banded together for the common good. Their support came almost entirely from private sources, and they ordinarily had no formal connection with colleges or other institutions of learning. For it must be remembered that until the last decades of the nineteenth century, as the authors of the *Harvard Guide to American History* point out, "history had not been a profession, but the avocation of gentlemanly scholars and litterateurs; only a few, beginning with Jared Sparks, had ever taught the subject in universities."³ Their interests were originally directed to the public and political aspects of the growth of the nation, rather than to the details of daily life. Their emphasis was more upon the ideas or principles that a given founding father contributed to the formation of the Republic than upon the style of house in which he lived, the clothes he wore, or the china or crockery from which he ate his victuals. Along the Atlantic seaboard, privately supported historical societies that have survived to the present were organized in the eighteen twenties in Maine, Rhode Island, New Hampshire, and Pennsylvania; in the thirties in Virginia, Vermont, Connecticut, and Georgia; in the forties in Maryland and New Jersey; in the fifties in South Carolina.

³ Oscar Handlin, *et. al. Harvard Guide to American History* (Cambridge, 1955), p. 5.

The success, or even the continued existence, of such an organization presupposes a certain degree of established prosperity—a situation where life has advanced to a point that permits some leisure for literary and historical occupations. Thus some of the historical societies chartered at the same period west of the Alleghanies proved to be impermanent.

In the second half of the nineteenth century, largely because of the precedent set in Wisconsin through the energetic activities of Lyman Copeland Draper, secretary of the State Historical Society of Wisconsin from 1854 to 1866, state legislatures began to provide consistent and sometimes generous support for historical societies. The precedent and pattern of Wisconsin was gradually emulated throughout the middle and far west. Although this century-old tradition of legislative support has become generally accepted in at least two thirds of the states, a fair number of historical societies still operate entirely upon privately given funds. These are chiefly along the Atlantic seaboard, although in certain large and prosperous cities elsewhere, such as Cleveland, Cincinnati, Louisville, Chicago, St. Louis, and San Francisco, there are privately supported societies whose libraries contain books and manuscripts of high scholarly usefulness that are of more than regional significance.

Only within recent months has there become available a comprehensive and reliable guide to the manuscript holdings of institutions throughout the United States. The National Historical Publications Commission, since its reorganization in 1950, has performed many services to learning; its latest and most welcome one is *A Guide to Archives and Manuscripts in the United States*, edited by Philip M. Hamer, Executive Director of the Commission, that was published in January 1961 by the Yale University Press. This, like Virgil's appearance to Dante in the *selva oscura*, will lead many a perplexed wanderer through the maze of institutions that possess manuscripts today.

The 775 pages of the *Guide* are full of surprises. How otherwise would one learn that a medieval cartulary of Ipswich Abbey is in the Lexington [Kentucky] Public Library, or notarial records of the monastery of San Lorenzo, Venice, 1478-1520, in the Public Library of Davenport, Iowa? And how would any one in need of Italian sources find his way to the

19 parchments, chiefly papal documents, 1550-1800; a few unpublished letters dealing with the Napoleonic wars; and several passports, hunting licenses, and the like, 1840-1860

reported—with some amused pleasure, one suspects—by the reverend librarian of St. Benedict's College, Atchison, Kansas? Although there are Swinburne letters in New Brunswick, New Jersey, and Browning manuscripts in Waco, Texas, it is American historical manuscripts that chiefly fill the closely packed pages of the *Guide*.

A little imaginative ratiocination might lead someone seeking letters of the Marquis de Lafayette to Lafayette College at Easton, Pennsylvania, where there are two hundred, mostly addressed to George Washington, although the only other holdings of that college are a few mediaeval manuscripts, an autograph collection of English literary figures, and the records of a late nineteenth century local slate industry. But a student of the Confederate States of America might easily be excused if he had not thought to look for 3015 letters of its Vice President Alexander H. Stephens, exchanged with his brother Linton between 1834 and 1872, in the Manhattanville College of the Sacred Heart at Purchase, New York, or for a few papers relating to Confederate Army equipment and supplies in the Deschutes County Library at Bend, Oregon.

A detective or a poet could have much diversion from themes inspired by leafing through the *Guide*, but the student of American history will be even more grateful to the National Historical Publications Commission for this remarkable work, which is the first to provide adequate indication of where his materials may be hiding. He cannot fail to note the extent, the variety, and the richness of the holdings of a number of the older privately supported historical societies. For example, the Maryland Historical Society, founded in 1844, reports to the guide: "About 1,500 linear ft., 1582 to date, relating chiefly to Maryland history, but including much of national interest. The Calvert Papers, the private papers of the proprietors of Maryland, 1582-1770 (1,300 items), include government, land, and colonization records of the colony, records of the Maryland-Pennsylvania boundary dispute, and personal papers of the Calvert family." There follow in the *Guide* four

columns summarizing the papers of national political figures, military leaders, Maryland families, of business, religious, and social organizations, of railways, foreign trade, iron manufacture, shipping, and much else, that members of this society are familiar with.

Many of the remarkable collections of independent historical societies were acquired early in the nineteenth century when such organizations were the only ones concerned with the preservation of the record of American history. Yet even today, when interest in such papers is vastly increased and the number of libraries seeking them has multiplied, the collections of many of the older historical societies continue to receive important additions of quality equal to anything acquired in the early years. The Missouri Historical Society's Jefferson papers were, for example, a twentieth century gift from William K. Bixby. The highest point in the collecting history of the Massachusetts Historical Society was reached in May 1956 when it simultaneously received not only the papers of four generations of the Adams family, but those of Paul Revere. Only a little over a year ago the Maryland Historical Society raised a very substantial sum of money to purchase the Benjamin Henry Latrobe collection of 8,800 letters, 310 paintings and drawings, and 14 diaries. Latrobe's sketches give a remarkably graphic picture of the United States between 1796 and 1820. Not only are his papers of high architectural importance, but they contain much material of general historical significance. The acquisition of this collection is a memorable accomplishment.

The collecting and safe preservation of historical source is the indispensable first step towards the writing of history, but it is only the first. If such sources are to be of use, they must be placed in order and made available to those who have need of them. Worthington C. Ford's definition is worth remembering:⁴

Before the writer of history can exist the material must be placed at his service. In that sentence the functions of the historical society are summarized, it collects or makes available the records of the past; it encourages the investigator and writer of history by offering these records in a form fitted for his purpose.

⁴ *Addresses Delivered at the Observance of the Centennial of the New Hampshire Historical Society*, Sept. 27, 1923 (Concord, 1923), pp. 57-58.

In the effort to make available their manuscripts, historical societies have printed many hundreds of volumes of documents. In the past decade new techniques of microreproduction have been employed to increase the flow of material at more reasonable cost. The State Historical Society of Wisconsin has made available on microfilm the great body of frontier manuscripts collected by Lyman Copeland Draper. The Massachusetts Historical Society has issued microfilm editions of the Adams Papers and of the papers of General Henry Knox. The Library of Congress has undertaken to make the Abraham Lincoln and other Presidential papers more accessible and useful to scholars by means of microfilms accompanied by printed indices. Even when publication by conventional means, or reproduction of the originals through microphotography, is impossible, an institution possessing manuscripts still has the obligation to place its papers in the best possible order, to issue guides that will make their existence known, and, at the earliest possible time, to report its holdings to the Union Catalogue of Manuscripts of the Library of Congress.

Now all these things take time and money, for they require the employment of skilled people, who are engaged week after week, year after year, in meticulous work that does not show. For that matter even the most important manuscripts do not readily strike the eye of the uninformed observer. The Calvert papers, or those of John Winthrop, William Penn, Benjamin Franklin, George Washington, or Abraham Lincoln, when housed in gray cardboard manuscript boxes on shelves in a vault, are less dramatic than a cigar store Indian or a bit of gaudy carving from a steamboat. It is, as I attempted to indicate earlier, far more difficult to arouse widespread popular support for them than for a historic building that tells something of its story to every passer-by. Yet without the continued health and well-being of the libraries that contain such sources, we can have no certain knowledge of our past. I repeat again the assertion made one hundred and fifty-seven years ago by the New-York Historical Society:

. . . without the aid of original records and authentic documents, history will be nothing more than a well-combined series of ingenious conjectures and amusing fables.

This is the counterpart of basic research in medicine or the sciences; the indispensable foundation without which specific discoveries cannot be made. As a case in point, I quote the opening paragraph of Dr. R. W. G. Vail's 1959 Director's *Report* of the New-York Historical Society:

Every now and then the unique importance of our collection is emphasized when an item of some distinction is rediscovered by an expert and heralded to the scholarly world as an important find even though its possession was no surprise to us. This last year a historian from one of our neighboring universities "discovered" in our manuscript collection the original manuscript of paper Number 64 of *The Federalist* in the handwriting of John Jay, thus presumably proving that he was its author. Since we had had this significant document filed for years with our other Jay papers there did not seem to be too much reason to get excited about it, though it did make a good newspaper story throughout the country.

Few books of American history are published today without some expression of the author's gratitude to one of the older historical societies for assistance or for permission to publish manuscripts in their possession. The holdings of these societies turn up with remarkable frequency in the Franklin and Jefferson Papers, and others of the great editorial projects inspired by the National Historical Publications Commission. The Editors of *The Papers of James Madison*, for example, obtained copies of documents from fifty-five historical societies and fifty-three privately supported college libraries, yet, according to Dr. Ralph L. Ketcham.⁵

The three largest providers have been the Pennsylvania, New-York, and Massachusetts Historical Societies, each of which had over one hundred Madison items.

Dr. Ketcham goes on to remark:

After visiting scores of both public and private manuscript depositories, I have no hesitation in saying that insofar as protection from the elements, prevention of theft, and care in arrangement are concerned, the advantage over the years lies overwhelmingly with the private societies.

⁵ Ketcham to author, Jan. 7, 1960. Dr. Ketcham is now on the staff of *The Papers of Benjamin Franklin* at Yale University

Professor Merrill Jensen of the University of Wisconsin in 1955 wrote to Dr. Stephen T. Riley, Director of the Massachusetts Historical Society, to ask permission to reproduce manuscripts in a volume of American Colonial Documents, 1607-1776, which he edited for the series of *English Historical Documents* published by the Oxford University Press. In his letter Professor Jensen observed:

When I came to sorting out the documents according to sources in which I found them, I discovered that the Massachusetts Historical Society wins by many lengths! It is no flattery but a simple statement of fact that the Massachusetts Historical Society has published more of what I consider to be the basic documents for early American history than any other society in the country. I must confess, however, that I didn't realize it until I had compiled my volume.

It is clear from this, and a multitude of acknowledgments in scholarly works, that the older historical societies have made, and are still making, a valuable contribution to learning by maintaining their libraries and placing their resources freely at the disposal of those who have need of them. This is their business; they do it gladly, but it does not and cannot bring them financial return. And as "fair words," which are all they can hope for, "butter no parsnips" most of them are extremely hard up.

Many of the older societies have used their wits in imaginative ways to gain the support necessary for their activities. The continued existence of the societies demonstrates that where ideas exist, money somehow gets found for useful enterprises. Nevertheless all independent historical societies spend too much of their time piecing their rags together. Because of the widespread nature of this financial crisis, the Massachusetts Historical Society, the American Antiquarian Society, the Historical Society of Pennsylvania, and the Virginia Historical Society joined informally in 1958 to seek foundation support for a study of the problem. The Council on Library Resources, Inc., a subsidiary of the Ford Foundation, recognizing that a genuine library problem is involved, made a grant for this purpose. For a year I travelled through three quarters of the fifty states, visiting historical societies and as many other institutions of allied interest as time permitted. Wherever I went I was im-

pressed by the community of interests and feeling on the part of those societies responsible for major manuscript collection, by their devotion to what they are doing as hewers of wood and drawers of water in the cause of American history, and, in almost all cases, by the utter inadequacy of their financial resources. The result of this study will be published as a book later this year by the Harvard University Press.

During this investigation it was immediately apparent that privately supported historical societies have less money than their state counterparts. Only three private societies, the New-York Historical Society, the New York State Historical Association at Cooperstown, and the Chicago Historical Society, have annual incomes in excess of \$150,000. All three owe their present degree of solvency to a small number of donors of relatively recent date. Only half a dozen other institutions, have incomes in excess of \$100,000 a year. At the other extreme, the Georgia Historical Society accomplishes an amazing amount, thanks to able and devoted persons who do not reckon their time at commercial rates, on an annual income of less than \$8,000.

By contrast, the annual budgets of the Ohio and Wisconsin societies, which come chiefly from public appropriations, are each over a half million dollars. It should be remembered, however, that societies receiving substantial public support are of necessity forced to spend a considerable part of what they receive on activities of popular interest, consciously or otherwise aimed at pleasing voters, who in turn influence legislators. More than fifty years ago, Reuben Gold Thwaites of the State Historical Society of Wisconsin, who was himself a singularly productive scholar, observed: ⁶

It takes money successfully to run historical societies. Legislatures, and the public at large that they represent, require coddling if their support is to be obtained.

Now coddling the public is an expensive business; in my view, a rather too expensive and risky business for a private organization to attempt, unless it has more capital behind it than most historical societies possess.

⁶ *Annual Report of the American Historical Association for the Year 1909* (Washington, 1911), p. 308.

We have in this country a touching national belief that activity for its own sake is desirable; that the more people one induces to mill about in a limited space the better. Thus many organizations in need of financial support, historical societies included, embrace the simple faith that a substantial increase in membership will solve all their problems. It is not as easy as it sounds. To attract members, and even more to hold them, requires unremitting effort and expense, for the members must be given something—whether publications, exhibitions, parties, or what not—to maintain their interest. Dues of less than ten dollars a year are all too often completely absorbed in the expense of attracting and keeping the members that pay them. To derive any real financial benefit from membership is apt to require a higher annual fee than very large numbers of people are able or willing to pay.

A hard working man who genuinely wants to be a farmer can scarcely succeed today by his simple desire and industry. If he is to make money from the soil, he must command enough capital for the necessary machinery, and the more he has the better. So it is with institutions. The Museum of Fine Arts in Boston has in the past five years greatly enlarged its membership, and raised the income derived from this source from \$38,000 to over \$125,000. But because the museum has an annual income from endowment—all privately given—of nearly a million and a half dollars, it is possible to provide a constantly changing series of exhibitions and other attractions that induce new people to become members. Although visitors to Williamsburg annually leave more than seven million dollars there, the standards of this great restoration could not be maintained had not the late John D. Rockefeller, Jr. provided a substantial endowment fund in addition to sponsoring the original work of restoration and reconstruction. It is the income from an endowment fund of over forty million dollars that bridges the gap between the sums paid by visitors—large as they are—and the cost of operation. It no more follows that the methods of very large and liberally endowed institutions are suitable to the very much smaller operations of historical societies than those of Sears Roebuck are to the corner news-stand.

The sums needed by privately supported historical societies to insure the adequate maintenance of their libraries and manu-

script collections are small in comparison with those that are annually given in American cities for a variety of charitable and civic purposes. It is my belief that this historical equivalent of basic research in the sciences can only be supported by large gifts from individuals or foundations; that the attempt to achieve the same end by a great number of small gifts is self-defeating because of the variety of expensive and time-consuming activities that are required to induce them. The Missouri Historical Society has in recent years been remarkably successful in raising current funds through a great variety of activities. Yet its able Director, Mr. Charles van Ravenswaay, in the concluding paragraph of his 1959 *Report*, observed:

The funds which we have raised from many sources represent an unusual record of achievement, and a certain amount of this effort is very healthy for any organization. However, there is a point of no return in such endeavors, and that point is reached when so much effort is spent on raising money that the essential and learned purposes for which the organization was created, suffer. That point has been reached. While we must continue our essential money-raising projects for many reasons, we must also find a long-range solution to our financial needs which will provide a certain assured income each year. Either income from taxation, or income from endowment would seem to be the two obvious answers. There may be others. But whatever the answer is, the problem should be carefully studied, and a long-range plan developed to achieve it.

This forthright statement is of general application. I quote it not only here but in my forthcoming book because it sums up so well the situation of many other organizations than the Missouri Historical Society. I can only hope that the study that I have made will increase the general awareness of the service that this, and other privately supported societies, have rendered to American history through the maintenance of their libraries and manuscript collections, and that it may create greater understanding of the high importance of many things that cannot readily be seen, that do not lend themselves to popularization, but that must be maintained if we are to retain the essential sources of the knowledge of our past. Or to adapt the words of St. Paul to another purpose: "for things which are seen are temporal, but the things which are not seen are eternal."

WOMEN ATTORNEYS OF COLONIAL TIMES

By SOPHIE H. DRINKER

BEFORE the last half of the eighteenth century, when few men and no women prepared themselves professionally for the practice of the law, people frequently brought their own cases to court, or appointed someone without specialized legal training to transact business for them. Such a deputy or agent was called an attorney-in-fact rather than an attorney-at-law, since the latter term signifies one who has been formally admitted to the bar. While seventeenth and eighteenth century women could not enter the legal profession as attorneys-at-law, they could be and often were attorneys-in-fact.

There was a difference, however, between a man and a woman attorney-in-fact. When a man went into court as a plaintiff or defendant, no one inquired whether he were married or not. When women appeared, they were divided into two categories: those who had husbands and those who did not. From the beginning of feudal times, the married woman had been known as a *fême couverte*; the single woman, or widow, was called a *fême sole*. Each had her special legal status.

The *fême couverte* (married woman) had no legal or civil entity. She could not own property, make a will, sue or be sued. Lord Coke, in 1600, defined the status of the married woman in the famous sentence: "Husband and wife are one before the law, and the husband is that one."¹ When a *fême couverte* came into court, therefore, it was only as her husband's representative and with his permission.

The *fême sole*, on the other hand, be she spinster or widow, could hold property:—land, buildings, ship, merchandise, personal belongings and so forth. If she had children, she was the head of her family and, to a large extent, her own mistress with rights approaching those of our contemporaries. In court,

¹ Sir Edward Coke, *Institutes of the Laws of England*, 4 vols. (London, 1818), I, 130.

therefore, she spoke for herself and also, at times, in behalf of others.

The story of women's participation in litigation can be found scattered through the minutes of Court records. As the accounts repeat themselves over and over concerning the same questions of law and the identical problems for the disputants, one comes to realize that the dry, often repetitive, wording does more than call attention to the mere existence of the women attorneys-in-fact. When a *fême couverte* speaks as her husband's agent, one senses that the interdependence between man and wife was stronger than the subservience of wife to husband. When a *fême sole* speaks for herself, or for others, one perceives not only courage and competence in women but also an independence of spirit we have not been taught to expect. And, from the documents as a whole, one understands more clearly the conditions that confronted women in the early days of colonial experience and that demanded their activity beyond household duties.

I

There was nothing new about colonial wives taking part in litigation. In feudal times, the English Courts maintained: "it is an indisputable law that a wife can act as attorney to her husband."² Necessity had written this law in order to offset the inconvenience caused by curtailing the married woman's exercise of an authority which she was wielding in practice. Before the industrial revolution had introduced machines and factory system, men worked on their own farms or conducted a business from their homes. Women functioned as their husbands' partners in agriculture, in the manufacture of clothing, tools, and utensils, in the management of estates. Wives played a large part in providing the family income. Consequently, they understood financial problems and, in controversial questions of property, frequently assisted their husbands in the official capacity of agents.

The Colonists brought many feudal laws and customs with them and, from the beginning, expected wives to help their husbands make a living. In the new country, where everything

² Tapping Reeve, *Law of Baron et Femme* (Burlington, Vermont, 1816), pp. 79-80.

had a future, pioneer conditions challenged the energy, intelligence and common sense of every man, woman and child. Wherever there was a home and a settlement, the value of women rose and opportunities for them to take the initiative occurred over and over again. Many a married man in colonial times agreed with President Clapp of Yale that a wife served as a "faithful friend and monitor to her husband."³

Colonial women not only produced wealth by means of farming and manufacturing, but they attended to such matters as "seating" land, establishing boundaries of farms, trading merchandise, generally helping to provide an adequate income for the family's support and, in cases of controversy, appearing in court. Examples are at hand to show that wives conveyed land, recovered debts, signed leases, received rents, defended their husbands' good name, sued and were sued on their husbands' contracts.

One seventeenth century wife, Sarah Bland by name, was her husband's "true and lawful attorney." John Bland, a prosperous London merchant, owned large landed estates in Virginia. In 1678, he sent his wife overseas with the legal authorization to buy and sell land and to receive debts owing him from his brother's widow. Her power of attorney has been preserved:

By this Public instrument of procuration or letter of Attorney bee it knowne and manifest . . . that on the two and twentieth day of the month of August 1678 before me, Nicholas Hayward, Noatary and Tabellion [secretary] public, dwelling in London . . . personally apered John Bland merchant of this cittie of London . . . who hath made, ordained . . . his loving wife, Sarah Bland, now bound from hence for Virginia, his true and lawfull Attorney . . . and to his use to call to an account all persons whatsoever in Virginia his debtors (and pticulery Mr. Bernard Sykes and Mr. Codd), also to enter into and take into his custodie . . . the severall plantations of Bartlett, Kimecheys, Herring Creeke, Sunken Marsh Plantation, Bassett's Choice, Jamestown Lott, Lawnes Creek and all other lands . . . and estates whatsoever due . . . unto the sd John Bland . . . and receive of the widow, Executors, Administrators, goods or estate of Theodorick Bland, late of Bartlett upon James River in Charles City County in Virginia, merchant deceased or of

³ Edwin S. Welles, "Womanhood in Early America," *Connecticut Magazine*, XII (1908), 233-239.

any pson or psons whatsoever all and every the lands . . . and all other things which any pson . . . in Virginia are oweing . . . unto the sd constituent upon recoverys and receipt to give acquittances . . . and all the sd Plantations Lands . . . and estate whatsoever . . . to grainte bargain sell . . . at such rates and prices . . . as his sd wife and attorney shall find convenient." Signed John Bland . . . sealed and delivered with his seal affixed red wax in the presence of [witnesses names given]. Nic. Hayward, Notary public.

A wife acting as agent for her husband was required to bring her power of attorney to the judge before she could carry out her husband's wishes. Sarah Bland, upon arrival in Virginia, evidently lost no time in offering hers: "The within letter of attorney being presented to the Court of Charles Citty County by Mrs. Sarah Bland desires the same might be proved which was admitted and done in open court . . . and ordered to be recorded Feb. 17, 1678/9. Testes, Will Archer." Shortly after, Sarah conveyed a tract of land in Surry County to Wm. Bartlett and set in motion the litigation against Colonel Codd who had married her husband's sister-in-law.⁴

Elizabeth Vault, also in 17th century Virginia, signed a lease for land to Jaratt Hawthorne. In so doing, she called herself "attorney and procuratrix of my loving husband, Robert Vault."⁵ The word "procuratrix" means a female agent or attorney-in-fact.

Sarah Livingston of New York married one of George Washington's generals, William Alexander, (later Lord Stirling). In 1777, she received a power of attorney from her husband to represent him during his absence in England. He had learned that his New York and New Jersey tenants were refusing to pay their rents to his estate. Through the medium of the *Pennsylvania Packet* of September 12, he advertised that they must not pay "to any other person than myself or my attorney . . . Sarah, Countess of Stirling."⁶

When the good name of their husbands was at stake, women proved themselves first-rate fighters in tort cases. Anna Joung,

⁴ *William and Mary Quarterly*, 4 of Ser. II (July, 1924), 202, 203.

⁵ Philip A. Bruce, *Economic History of Virginia in the 17th Century*, 2 vols. (London, 1907), I, 412; see also Lease from Mrs. Vault to Jarratt Hawthorne, May, 1659, York County Deeds, Orders, Wills, etc., 3, 1657-1662, Virginia State Library, Richmond, Va.

⁶ *Archives of the State of New Jersey*, 2 of Ser. I, 467.

"in the Behalfe of hur husband Jacob Joung," a skilled interpreter, sued one John Taylor in an action of defamation. Taylor had accused Anna's husband of hiring Indians to kill Christians. The case *Joung v. Taylor* came up in the Court at Newcastle, Del., on Nov. 3, 1680 and Taylor backed down, declaring that "What hee had sayd was only by hearsay." The Court ordered him to "publicly acknowledge his fault" and to pay the costs of the suit.⁷ Mrs. Joung had the victory.

To protect their husbands from defamation of character, wives even crossed the ocean. Elizabeth Pott's petition "on the behalfe of her husband John Pott, Doctor of Physicke and late Governor of Virginia" shows in detail how the "suppliant," with her power of attorney in her pocket, expressed her appeal. The doctor had been accused of "markinge other men's cattell for his owne . . .," unjustly so, according to his loyal helpmate who had "taken a long and dangerous voyage to her excessive charge and the great hasserding of her Life to appeal to your Sacred Majesty touching the wrong done unto her . . . husband." Since Dr. Pott, in 1639, was the only man in his locality "well practiced in chirurgery and physic," he had the support of public opinion. King Charles referred the matter to the Virginia Commissioners, who gave Elizabeth a hearing and restored her husband "unto his lands, and Libertie. . . ."⁸

One way or another, the subject of debt plagued colonials. Either one owed money or one was trying to collect it. Eadith Craford of Salem, Mass., was both sued and brought suit on her husband's contracts over a period of several years. In 1662, she acknowledged a debt to Mr. Batters, which she promised to pay in merchantable codfish. In 1666, in the lawsuit of *Craford v. Savage*, Eadith was deposed and sworn before Wm. Hathorne in the Quarterly Court of Essex. She claimed that, in 1661, there was "delivered to Capt. Savage by me and my husband at Mr. Oliver's dock in Boston, fish at money price. . . ."⁹

⁷ Jeannette Eckman, "Crane Hook on the Delaware," *Institute of Delaware History and Culture, University of Delaware* (Newark, Delaware, 1958), p. 35. See also *Records of the Court of Newcastle on the Delaware, 1676-1699*, 2 vols. (Colonial Society of Pennsylvania, 1904-1935), 1680, p. 438.

⁸ Thomas J. Wertenbaker, *Virginia Under the Stuarts* (Princeton, 1914), pp. 64-67; see also Petition of Elizabeth Pott, September, 1630, Public Record Office London C. O. 1/5 No. 85 fo. 234r.

⁹ *Records and Files of the Quarterly Courts of Essex County, Massachusetts 1636-1683* (Salem, Massachusetts, 1911-1921), II, 390; III, 330-333.

Maryland was the only Colony to abandon the feudal custom of allowing women to represent their husbands in court. In 1658, Governor Fendall issued a Proclamation to the effect that wives should not be "admitted or allowed as attorneys for their husbands."¹⁰ Apparently, there had been abuses of the privilege. Mrs. Pakes, for example, in 1650, may have taken unbecoming liberties. When challenged as to her power to contract on her own authority," shee made answare that shee had a Letter of Attorney from her husband to doe any business whatsoever."¹¹ And one Anne Hammond, attorney for John Hammond, had failed to appear "upon her lawfull summons."¹²

But Governor Fendall's ruling was against the trend of contemporary usage. The Courts generally accepted women as agents of their husbands and often made concessions to the litigants. In the lawsuit of Williams v. Tallent, 1679, the Delaware record reads: "the def'ts wyfe appearing in Court but producing no letter of attorney from her husband, with both parties consent, the action is continued."¹³ The defendant was not thrown out but his "wyfe" was given time to fulfill the Court's requirements.

Hannah Penn, the wife of William Penn, founder of Pennsylvania, is an example of a *fême couverte* wielding far more power than the law allowed. William Penn owned his vast province on the feudal basis of absolute proprietorship. In 1712, he had a stroke and could no longer attend to governmental matters. Wife Hannah stepped in as substitute for the Proprietor. Historians agree that she had no power of attorney from her husband. Nevertheless, for six years, she acted as if she were his legal deputy. Nor was she challenged by the provincial Councilmen or Commissioners of Property. Far from it, Pennsylvania men in positions of authority aided and abetted her. These representatives of the proprietary party favored Hannah over her step-son William, the heir-at-law, and ignored the letter of the law concerning agency.¹⁴

¹⁰ Matthew P. Andrews, *The Founding of Maryland*, 2 vols. (New York, 1933), I, 201-202.

¹¹ Richard B. Morris, *Studies in the History of Early American Law* (New York, 1930), p. 176. See also *Archives of Maryland* (1650), X, 15, 16.

¹² Andrews, *op. cit.*, I, 201-202.

¹³ *Newcastle Records*, *op. cit.*, 1679, p. 374.

¹⁴ Sophie H. Drinker, *Hannah Penn and the Proprietorship of Pennsylvania* (Philadelphia, 1958).

Hannah's role as the "helpmeet" of a famous man has brought her to the attention of historians. Yet, for the times, she was not exceptional. Her efforts in behalf of her family's economic security may well be regarded as a reflection of the work of many other less conspicuous but equally competent women. There can be no doubt that men at large preferred to uphold the *custom* of partnership between husband and wife rather than the *law* of the *fême couverte's* incapacity.

II

The rights of the *fême sole* derive from a far older era than the term itself. Anglo-Saxon England, with its agricultural economy in which woman-power was indispensable, provided women with ample opportunity to own land and to produce wealth from it.¹⁵ When William the Conqueror came (1066), he established a feudal, military society in which women could not compete with men. William demanded men capable of bearing arms, as well as money, from all landowners. But while he could suspend the independence of women in the married state as a military expedient, he was obliged to allow the unmarried woman of property to retain the former free status of all women, so that he could commandeer her man-power and tax her land.¹⁶ As time went on, as the middle class rose in economic importance, as trade increased, the advantage to everyone of a self-supporting widow was so obvious that her independence in the business world was ensured. A woman, having acquired experience as her husband's partner, could keep on with whatever occupation she had learned. In case of legal difficulties about her land, her property, her trade and so forth, she could appoint someone to be her attorney-at-law, or her attorney-in fact, or she could be a litigant in *propria persona*.

As a group, the *fêmes soles* continually shifted. A spinster, for example, would marry and change her status. Elizabeth Haddon, that remarkable young woman who led a group of settlers to New Jersey in 1680, brought with her a power of attorney from her father. He owned the five hundred acres for

¹⁵ Doris M. Stenton, *The English Woman in History* (New York, 1957), pp. 1-28.

¹⁶ Albert F. Pollard, *The Evolution of Parliament* (London, 1920), p. 156.

which she undertook the responsibility as his agent. This authority she exercised to the satisfaction of all concerned until she married John Estaugh, became a *fême couverte* and handed her power of attorney over to him.¹⁷ As for the widows, they remarried once, twice, and even thrice, resuming their former status as wives.

On the other hand, there were times when a *fême couverte* obtained some of the privileges legally due a *fême sole*. It had long been the custom in England for a widow to make a premarital contract with her new husband, insuring her freedom to act in a specified capacity. When, for example, in 1681, Elizabeth, widow of William Lawrence of New York, was about to marry Philip Carteret, Governor of New Jersey, she reserved the right of disposing of the lands conveyed to her by her first husband. She also received a certificate of the court admitting her as guardian for her seven Lawrence children.¹⁸

In cases where the absence of her husband prevented a wife from fulfilling her business obligations, she could ask for a *fême sole* status. Such a petition was written by Susanna Dastuge of Massachusetts (1777): "There is a quantity of goods in the hands of Capt. Robert Robins the property of your petitioner and her copartner Cynthia Wilkinson unaccounted for to the said petitioner and her co-partner and that, by the absence of her husband Bernard Dastuge, and not being empowered by him, she is not able to institute and prosecute to final judgment any action for the recovery thereof." The Court resolved that Susanna be empowered to bring action against Capt. Robins "as tho' her said husband was personally present," thus granting this wife the authority to sue on her own contract.¹⁹

Or again, a deserted wife who needed money might have difficulty in transacting the business of selling her husband's property. Mrs. Susannah Cooper of Virginia had been deserted and no purchaser would treat with her "on account of her coverture." In short, no one would risk signing a contract with

¹⁷ George R. Prowell, *History of Camden County, New Jersey* (Philadelphia, 1886), p. 646.

¹⁸ F. A. Hill, *The Mystery Solved* (Boston, 1888), p. 75. See also Thomas A. Lawrence, *Historical Genealogy of the Lawrence Family* (New York, 1858), p. 136.

¹⁹ *Acts & Resolves of the Province of the Massachusetts Bay Colony* (1777-78), XX, 73.

a legally helpless married woman. The Court "granted Mrs. Cooper the free disposition of her estate, enabled her to make contracts in her own name, to sue and to be sued as though unmarried."²⁰ As in Virginia, so in Maine. Goodwife Donell, having been deserted by her husband in 1666, was permitted by the Maine Provincial Court "to demand and legally to recover all such debts as are due to her made by herself or contracts by her own dealings."²¹

When James, the husband of Mrs. Fortune Mills in Surry County, Virginia, was "missing," Mrs. Mills directed an appeal to the Court for permission to manage her husband's affairs and, in the same declaration, gave her brother a power of attorney to assist her: "It is now six months since he was expected . . . It is now become a doubtful question whether hee bee living or dead, whereby his most important affairs in Virginia remain unmanaged, his businesses and estates suffering . . . from whence ariseth an absolute necessity that some measures bee taken for ye paying and receiving of debts, together with suits in law; the which his attorney with whom hee left power doth refuse to doe as being not therein much experienced. Nor was it soe intended by the said James Mills, whose purpose was to have been not long from home himself. Now . . . by the laws and customs of England, a man's wife may lawfully buy, sell, bargain, pay or receive as well as her husband until he signify the contrary by publick contradiction. Know all men by these presents that I, Fortune Mills, the lawfull wife of the James Mills for ye reasons aforesaid do resolve to manage the affaires of my husband and to the best of my power to pay, receive, order, and effect all present businesses appertaining thereunto. And for my better accomplishment of the same, I doe hereby declare that I have empowered . . . my brother Geo. Jordan to pay . . . to bargain, buy and sell . . . and answer all suits in any court of justice in Virginia . . . until it shall please God to send back my husband. In witness whereof, I have hereunto set my hand and seal this first day of March, 1661." Signed by Fortune Mills and recorded by the clerk of the Court.²²

²⁰ Morris, *op. cit.*, p. 175.

²¹ *Ibid.*

²² Philip A. Bruce, *Social Life in Virginia in the 17th Century* (Richmond, Virginia, 1907), p. 146; see also petition of Fortune Mills, Surry County Deeds, Wills, etc., I, 1652-1672, Virginia State Library, Richmond, Va.

Armegot Printz, wife of John Papegoya, is an example of a pioneer landowner whose legal status was never clearly defined. This courageous woman was the daughter of Governor Printz who, in 1643, led a group of Swedish settlers to the banks of the Delaware River below Philadelphia. Although her father soon returned to Sweden and her husband sailed the high seas most of the time, Armegot with three of her five children made their home on Tinicum Island. In 1656, when the Dutch took possession of her property, she petitioned the authorities in New Amsterdam that letters patent be issued to her for her father's land. Governor Stuyvesant granted her the rights she wanted and, in 1660, received her taxes in the form of a fat ox, fat hogs, bread and corn. Armegot did her best to attract other settlers but failing in this struggle, she sold out to Joost De La Grange and left the country. Bad luck pursued her. The bankers would not accept De La Grange's bill of exchange. Nothing daunted, she sailed back again, secured a legal judgment against De La Grange but never succeeded in collecting the money. In 1664, when the English ousted the Dutch, De La Grange's widow Margaret and her new husband Andrew Carr received a patent for the Printz estate. Then Armegot brought suit for her rights and appeared at the General Court of Assizes in New York, 1672. Pleading for herself, she had the satisfaction of hearing a judgment entered for her as plaintiff. The Carrs were ordered to pay the principal, costs and damages.²³

Until her husband died in 1667, Armegot was a *fême couverte*. But no one, apparently, challenged her authority at the time. In 1676, after she had sold out completely to Ernest Cock and had left America forever, De La Grange's son claimed the estate on the ground that Mrs. Papegoya had been a legally helpless married woman during negotiations with his father. And yet, without a power of attorney, she had conducted the business necessary to her tenure of land *as if* she had been a *fême sole*.

Upon the death of a woman's husband, her position as a *fême sole* was beyond dispute. Her first prerogative was then to make her will. A *fême couverte*, under ecclesiastical and canon law,

²³ William E. Sawyer, "Governor Printz' Daughter and the Island of Tinicum," *Pennsylvania History* XXV (April, 1958), 109-114.

had no property of her own and therefore had none to convey. If a wife wished to dispose of possessions regarded as hers, she required her husband's permission to do so. But as *fême sole*, she automatically acquired the right to convey any property she may have had. One of the first wills recorded in Essex County, Massachusetts, is that of Joanna Cummings in 1644. This mother as head of her family, left instructions that her property was "to improve for the children's good that it may not be bangled away."²⁴

If a wife had been made her husband's executrix, as many were, her most pressing task was to have his will probated. This responsibility took countless women into court, where they procured the judge's consent to act as executrix and administratrix.

A widow had the duty of looking out for the welfare of her children. In 1632, Jane Winlee of Virginia pled her own case against James Knott for his "misusage" of her indentured son. The Court, at her suit, ordered Mr. Knott to "remedie" his ways and to return son Pharoah to his mother.²⁵

A *fême sole* made her own contracts and could be sued in her own right. Elizabeth Kinsey had guaranteed to take charge of five beaver for John Test but she had failed to return them to the owner. In the court at Upland, Delaware (1679), Elizabeth was at first represented by one John Ashton. When she appeared to take up her own defense, however, Ashton withdrew, saying that he was her attorney, she "his mistress" and could speak better for herself.²⁶

If a *fême sole* could be sued, she could also sue. Mary Venderdonck, a "physician" in Maryland with a flourishing practice, produced a letter in court (1661) from former Governor Fendall engaging her as a doctor. She claimed that he had sent three servants to her to be cured. One had a sore leg, the second had a sore mouth, the third suffered from a canker. She demanded a warrant against Mr. Fendall in an action of debt to the value of 1200 lbs. of Tobacco. About the same time, Mrs.

²⁴ "Will, May 11, 1644," *Essex Antiquarian* (Salem, Massachusetts, 1897-1909), I, 187.

²⁵ Susie M. Ames, "Law in Action: the Court Records of Virginia Eastern Shore," *William and Mary Quarterly*, 4 of Ser. III (April 1947), 183.

²⁶ John F. Watson, *Annals of Philadelphia and Pennsylvania in the Olden Times* (Philadelphia, 1877), p. 246.

Vanderdonck sued one Christopher Russell in an action of debt. The defendant had made agreement that he would pay 1600 lbs. of Tobacco, "so that the sd Mary Vanderdonck releas him of the Accompts that was betwixt them . . . and discharge him of all accounts between hur and him."

By the next year, 1662, Dr. Mary had married Hugh O'Neale, but she still appeared in court in her own behalf, this time for defamation of character. William Heard had spread abroad a report that Dr. Mary has poisoned one Joane Parker. At her suit, Heard apologized, "owning his fault and declaring that hee never intended to defame or troble her . . . and hereby acknowledged himself very indiscreet . . . if her credit may be thereby any ways stained, hee both humbly desire her and her husband to forgive him, hee being contented to pay the cost and charge of suit. . . ." In open court, Heard promised to pay . . . "400 lbs. of good sound merchantable leaf tob: and caske . . . for Joane Parker's phisick." ²⁷

Even after the rough and ready life of the pioneer period had developed into a civilization patterned upon that of Europe and England, colonial *fêmes soles* continued to function as independent members of the community.

Temperance Grant of Newport, Rhode Island, may be cited as an illustration of a merchant successfully conducting a business for over twenty years. She was the wife of Sueton Grant, owner of an importing house and of several privateers. Mr. Grant died in 1744, leaving his widow the executrix of his estate. With the help of her young son, whom she trained to succeed her, Temperance made contracts for buying and selling goods, she sued others and was sued herself for debts incurred in her business dealings. She wrote petitions concerning her own and her daughter's property.

There are records of at least seventy-five cases in which Temperance Grant was a party during the years 1744 to 1766. She employed lawyers to try the cases for her in the Inferior Court of Common Pleas "holden at Newport County, Rhode Island." Upon one occasion, however, she spoke in propria persona. While listening in the court room to the argument of her counsel, she detected dishonesty in his presentation of the

²⁷ *Arch. Md.*, LIII, lii, 139, 145, 148, 212, 215, 220, 229, 230, 241, 262.

facts. She then interrupted the proceedings, insisted that the Judge allow her to tell her own story and, by her competence in pleading, persuaded the jury to enter judgment in her favor.²⁸

III

A *fême sole* also had the right to receive a power of attorney and to transact business for others.

Mrs. Rebecca Heathersall, "widdow in York County at the head of Ludlow's Creek in Virginia" was constituted by "Anthony Hall, gent., late of Virginia and now of the Bogge in England to be his lawfull "attorney." In the letter of attorney, he identified Mrs. Heathersall as "my trusty and well-beloved friend" and ordained that she "recover and receive of all and every such person and persons which are indebted to me" all moneys owing to him and that she attend to his business affairs. This letter was proved in court by the oath of Capt. Zachary Taylor and recorded in 1682.²⁹

Sarah Bland, already mentioned as the attorney-in-fact for her husband, John, became a widow in 1680. She was then called his relict and executrix and undertook the task of settling his estate. For this work and also to help her in handling the problem of her son Giles' debts for which she was being sued, she employed an attorney, Thomas Blayton. There are petitions and other records of the business she transacted as a *fême sole* in her own behalf. With Thomas Povey, the co-executor of John Bland, she had inherited eight thousand Virginia acres. In a law-suit against William Randolph, Sarah acted as the attorney-in-fact of her associate Povey.³⁰ Here is an example of a woman functioning in all three categories of attorney: first, a *fême couverte*, agent for her husband; second, a *fême sole*, her own agent and employer of an attorney; third, a *fême sole* attorney-in-fact for someone outside of her family.

²⁸ George C. Mason, *Reminiscences of Newport* (Newport, R. I., 1884), pp. 359, 360. See also Records of the Inferior Court of Common Pleas for Newport County, Rhode Island, 1744-1764, now in the Clerk's Office of the Superior Court, Newport County.

²⁹ Bruce, *Social Life*, p. 146; see also Appointment of Mrs. Hethersall, York County Deeds, Orders, Wills, etc., 6, 1677-1684, Virginia State Library, Richmond, Va.

³⁰ *Virginia Magazine of History & Biography*, I (July, 1893), 50, 107, 118; XVIII (October, 1910), 366, 368; XX (October, 1912), 350; XXI, (April, 1913), 134; XXVIII (October, 1920), 354, 355.

Gertrude James, one of the earliest settlers on Kent Island, Maryland, and widow of the Rev. Cartwright James, was a victim in the plot of Captain Evelin to usurp the rights of the pioneer William Claiborne. Mrs. James had a power of attorney from the absent Claiborne as to his share of the stock held by a London company. She bravely fought for her own and Claiborne's property. When Evelin seized her cattle for his own use, she brought suit against him and received a judgment by the court in 1650 that the "damages should be alleged and drawn up in form the next day."³¹

From 1674 to 1689, Maria Van Cortlandt Van Rensselaer was the moving spirit of Rensselaerswyck. This settlement had been founded by the Dutch, where Albany now stands. It extended for about twenty-four miles along both banks of the Hudson River, "stretching two days into the interior." After its Director, Jeremias Van Rensselaer, died in 1674, there was no heir available to succeed him. The task of administration fell upon "the worthy, virtuous Juffrow Maria." Her official position was that of Treasurer, for which duty she received a salary, payable in bushels of wheat. For years, she corresponded with the Dutch Van Rensselaer cousins who owned stock in the family company and who depended upon her to keep the colony intact in spite of bad times and political upheavals. Upon one occasion, Richard Van Rensselaer wrote to her from Amsterdam: "I wish that you had sent me a power of attorney to settle the account of the colony. . . ." Maria appeared before the court in Albany several times with powers of attorney from relatives and from Dutch merchants outside the family circle, enabling her to buy and sell property on her own account as well as on theirs.³²

One of the two attorneys-in-fact whose work and reputation approached the standards set by professional lawyers was Anna Meynders of New York City. In 1684, Anna was representing Volckert De Glabbais who had loaned 490 guilders to Hartman Wessell of Arnhem, Holland. Wessell had been engaged as

³¹ Wertenbaker, *op. cit.*, pp. 69, 71, 107, 108; see also B. C. Steiner, "The Beginnings of Maryland," *Johns Hopkins University Studies in Historical and Political Science*, XXI (Baltimore, 1903), Nos. 8, 9, 10; p. 71, 73.

³² A. J. E. van Laer, ed., *Correspondence of Maria van Rensselaer* (Albany, New York, 1935); see also *Minutes of the Court of Albany*, II, 185, 253, 254, 273, 355, 388, 396.

surgeon for the ship "Margarett" on her voyage from Amsterdam to England and thence to New York. It was agreed that the doctor should refund the money unless the ship foundered. Although the "Margarett" reached New York safely, Wessell did not make the repayment. Anna Meyanders produced Wessell's promissory note. There seemed no doubt of his indebtedness. Wessell's counsel, however, maintained that while his client was at sea, De Glabbais had sold the bill of exchange to Anna Meynders and that she "hath bought and purchased the same of meer malice to vex and prosecute the defendant."

This charge was an insult to Mrs. Meynders' person as well as a serious accusation against her professional integrity. At common law, it was forbidden for a person, particularly if an attorney, to purchase an interest in the litigation. By her able presentation of the facts in the case, Anna convinced the jury that she was acting solely as the constituted attorney for the plaintiff and had purchased no interest in the litigation itself. That she could have argued and won against so well-known and so successful a lawyer as Mr. Samuel Winder was indeed a victory for all women who entered the courtroom.³³

Of all the women attorneys-in-fact in Colonial history, Margaret Brent is by far the most conspicuous and the most professional. Between 1642 and 1650, her name appears in the records of the Provincial Court of Maryland one hundred and twenty-four times. Margaret was a *fême sole* spinster who never married. She, her sister, and a household of servants came to Maryland in 1638, bringing with them a grant of land. From the beginning, Margaret worked for the good of the colony, looking after the welfare of children and Indians, assigning acreage to the men in her employ. Her brother Fulke gave her a power of attorney to transact business for him in his absence. Governor Leonard Calvert showed his respect for her energy and intelligence by consulting her on many matters of political import.

When Governor Calvert died unexpectedly in 1647, he made Margaret his executrix and residuary legatee. The Court granted her letters of administration, enabling her to dispose of

³³ *New York Historical Society Collections* LXXVIII (1945), p. 110; see also General Sessions of the Peace, New York (1683-1693), p. 4. MS at Criminal Court Building, New York City.

claims filed against the estate and to institute suits against persons indebted to the deceased governor. But this was only the beginning of Margaret's work. Leonard Calvert's death had left no one to act for the absentee Proprietor of Maryland, Lord Baltimore. The Court decided that Margaret, as the administrator of Leonard Calvert, should be accepted as "his Lordship's attorney."

It so happened, at this moment, that there was a crisis in the Colony's financial affairs. Gov. Calvert had hired a band of soldiers from Virginia to put down a local rebellion. When the fighting was over, Margaret Brent discovered that the whole of the Governor's estate was not sufficient to pay the soldiers' wages before dismissing them. The soldiers brought suits against Lord Baltimore. In order to meet the just demands of these men, Margaret, as the constituted attorney of the absentee Proprietor, decided to sell some of his many droves of cattle and some of his thousands of acres. When Lord Baltimore objected, the Assemblymen rose unanimously to Margaret's defense. They wrote to Lord Baltimore that "the Colony was safer in her hands than any man's in the Province and she rather deserves favor and thanks from your Honour for her so much concerning for the public safety." ³⁴

As the executrix of Leonard Calvert and as attorney-in-fact for Lord Baltimore, Margaret Brent entered more law-suits than anyone else in the colony during those years. So frequent was her appearance in court that the clerk used the customary designation of "gentleman" or "gent." for her. No one ever criticized her for ignorance of the law or for unethical legal conduct. She was generally successful as an advocate (except in her own behalf) and, in every way, upheld the dignity and honor of the legal profession.

Taken as a whole, these samples of the different types of cases undertaken by women attorneys-in-fact reveal not only ability but also familiarity with law and custom. The cases show, too,

³⁴ Andrews, *op. cit.*, I, 122-125, 183, 200, 202; see also *Arch. Md.*, IV, 67, 68, 118, 119, 132, 133, 149, 169, 181, 191, 192, 194, 203, 213, 214, 224, 226-229, 259, 262-266, 270-276, 290, 292, 308, 312-316, 312, 320, 325, 330, 333, 335, 338, 342, 344, 345, 348-358, 362, 364, 366-368, 370, 373-375, 378, 379, 382-385, 388, 399, 401, 407, 409-414, 417, 419, 420, 426, 428, 434-439, 454-457, 469, 471-475, 477-485, 488, 489, 494, 514, 516-518, 521, 524, 527-529, 532, 540-543.

that the Courts generally treated women with justice and respect. One sees, indeed, a tendency throughout the colonies to lessen the severity of the feudal restrictions upon the woman "under coverture." Enabling devices steadily increased her proprietary capacity and her power to function as a *fême sole*.

The circumstances that brought about the gradual disappearance of the women attorneys-in-fact were due to no lack of competence on their part. There was a change in the conditions that had favored the employment of the attorney-in-fact, whether man or woman. Law became a paid profession which men entered as a means of earning money. As the pioneer environment changed and Western European civilization spread, more and more trained lawyers took over litigation. In the developing industrial and financial life of the eighteenth century, the amateur at law could no longer compete, and the practice of people bringing their own cases to court fell into disuse. Women disappeared from the court scene until the reforms of the late nineteenth century allowed them to participate as trained lawyers.

THE JAMES J. ARCHER LETTERS:

A MARYLANDER IN THE CIVIL WAR, PART II

(Continued from March and June, 1961)

Edited by C. A. PORTER HOPKINS

IN this, the second and final, part of the collection of letters written by James Archer while serving in the Confederate army, the editor concludes the series begun in Volume 56, Numbers 1 and 2, March and June, 1961. In the earlier letters the reader has had a chance to observe Archer while in camp and battle, training and leading his men as he moulded a first class fighting unit. In these letters, dating from 8 July, 1863, shortly after his capture at Gettysburg, to 16 October, 1864, only eight days before his death in Richmond, we see Archer, the once active fighting man, chafing under the restrictions of his prison existence and longing for his Harford County home and family which he has not visited for five years.

Transferred from Johnson's Island prison camp in June 1864, Archer was sent to Hilton Head, S. C., on board the prison ship *Dragoon*, and exchanged in Charleston the first week of August. In Columbia, S. C., on August 6, he visited his Princeton classmate James Chesnut, whose wife, Mary Boykin Chesnut, recorded in *A Diary From Dixie*:

Archer came, a classmate of my husband's at Princeton; they called him Sally Archer then, he was so girlish and pretty. No trace of feminine beauty about this grim soldier now. He has a hard face, black-bearded and sallow, with the saddest black eyes. His hands are small, white, and well-shaped; his manners quiet. He is abstracted and weary-looking, his mind and body having been deadened by long imprisonment. He seemed glad to be here and James Chesnut was charmed. "Dear Sally Archer," he calls him cheerily, and the other responds in a far-off faded kind of way.

Archer returned to Virginia eager to rejoin the fight. Assigned to duty on August 9 in the Army of Tennessee with orders to report to General John B. Hood, his old commanding

officer,²⁸ Archer was torn between going to Hood, for whom he had the greatest respect,²⁹ and remaining in Virginia with General Lee. In a letter to his sister Nannie, dated 17 Sept. 1864, he gives his reasons for staying in Virginia thus; "I was governed in my decision by consideration connected with my staff. Bob & Lemmon being prisoners & Oliver not well enough to accompany me I thought I might perhaps be able to help them all by remaining here."

In Special Orders No. 197, August 19, 1864, Archer was assigned to command his old brigade and Walker's brigade (temporarily united), which consisted on August 31, 1864, of the 1st Tennessee, 7th Tennessee, 14th Tennessee and 13th Alabama, with the 2nd Maryland Battalion attached.³⁰ On the 23rd of September, Major R. J. Wingate in his inspection report for the month of August had this to say of Archer's command:

This brigade is now commanded by Brigadier-General Archer, who will doubtless improve the discipline and general condition of this command. The Tennesseans have never been entirely satisfied since the consolidation. General Archer is almost idolized by them, and will, no doubt, harmonize the antagonisms that may have heretofore existed. Improvement is already apparent in this command since the date of my inspection, 13th of August . . .³¹

²⁸ Special Orders No. 187, Para. XIV. *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C., 1880-1901), Series 1, XXXVIII, Part 5, 953, hereafter cited *O. R.*

²⁹ *Advance and Retreat*, J. B. Hood's post-war post-mortem, (New Orleans, 1880), p. 20; General Hood had this to say of Archer:

"On the 7th of March, 1862, I followed up the movement with my regiment back in the direction of Fredericksburg; en route, and, greatly to my surprise, I received information of my appointment as Brigadier General, and of my assignment to the command of the Texas brigade. General Wigfall, if I remember correctly, had been elected to the Senate, and regarded his services more important in that chamber than upon the field. This promotion occasioned me some annoyances, as Colonel Archer, who commanded the Fifth Texas, and to whom I was warmly attached, ranked me by seniority. He, however, came to my tent, spontaneously congratulated me upon my advancement, and expressed his entire willingness to serve under me. He gave proof of the sincerity of his professions by a subsequent application to be transferred to my division, after I was appointed Major General, and he was promoted to the rank of Brigadier. Moreover, some years later, when I assumed the direction of the Army of Tennessee, he applied for orders to report to me for duty. He was not only a fine soldier, but a man of sterling qualities, and whose nobility of character was unsurpassed."

³⁰ *O. R.*, Series 1, XLII, Part 2, 1189.

³¹ *Ibid.*, p. 1274.

But time was running out for General Archer. As his letters only barely indicate, Archer's physical condition had been much weakened by his imprisonment. On October 16, he requested permission to go to Richmond on business, stating also that he was "for the last two days & still being too unwell to perform any duty requiring physical exertion." Eight days later James J. Archer was dead. On Monday, October 31, 1864, the Baltimore *Sun* ran the following brief notice:

Died at the residence of General Joseph E. (sic) Anderson, in Richmond on Monday night, Brigadier Gen. James J. Archer of Maryland. The Enquirer says:

Brigadier General J. J. Archer, taken prisoner at Gettysburg while leading his brigade in the thickest of that bloody fight, returned to the city only a few days ago, after a long and debilitating confinement on Johnson's Island. Though exchanged because sick, he persisted, against the earnest protestations of friends, in going at once to the front. The result was that in a few days he was compelled to abandon his post of duty for which his enfeebled constitution utterly unfitted him, and reluctantly seek, in the retirement of the home of his friend, General Joseph R. Anderson, of Richmond, a more fitting abode for a worn-out invalid. Though kind friends and skillful physicians ministered to his wants, all proved unavailing, and he breathed his last on Monday night.

To attempt to evaluate the career and personality of a man dead now for almost a century would seem to be a pointless undertaking. Glimpses of Archer's worth to the Confederacy have been seen in the comments, some already mentioned, of his comrades in arms, some of whom survived the war, and fewer of whom recounted their experiences.

One such comrade, Captain John Hampden Chamberlayne, writing to his mother, Martha Burwell Chamberlayne on December 17, 1864, expressed well what so many others felt:

Gen. Archer's death also shocked me much. He was a noble gentleman. Did I not tell you of his fine courtesy in searching for you in R^d to pay you a visit as my mother, mother of his friend. In his warm heartedness he annihilated all the distance between us in age & rank. Passing through R^d hurriedly to join the Army he found time to search for you. When I think of the men who have fallen I sometimes almost think we would all better follow.

The euthanasia of so many glorious hearts makes life almost disgrace to who survives.³²

Mrs. Chesnut in Columbia took note of General Archer's passing, too:

Tom Archer died almost as soon as he got to Richmond. Prison takes the life out of men. He was only half-alive when here. He had a strange, pallid look and such a vacant stare until you roused him. Poor pretty Sally Archer: that is the end of you.³³

And that would have been the end of General Archer, had not these letters been treasured and saved by members of his family. Since the publication of the first part of this series, seven additional letters have been uncovered by descendants. Through the courtesy of Mrs. John Potter Archer of Bel Air, Md., they have been copied and added to the material in the Maryland Historical Society. Six of these have been included in this part, viz. the letters dated 8 July, 1863; 20 September, 1863; 29 September, 1863; 12 April, 1864; 26 April, 1864; and 1 May, 1864. The seventh, dated 1 March, 1861, is printed at the end of the article. For the inclusion of these letters, and other favors, the editor is very grateful.

Fort Delaware
3 O'clock P. M. 8th July 1863

Arrived here at day dawn Sunday morning Am comfortable as could be expected in crowded quarters which receive all the odors of an extensive privy through windows where the fresh air might have been expected to come

Genl Schoepf showed me a very nice suite of apartments which he told me that I & the field officers with me would occupy — As we do not occupy them, I suppose he only wished me to know that I might be more comfortable if he pleased — It makes little difference to me however since, if I must be a prisoner while the great struggle is passing outside, small matters like the relative comfort of this or that particular prison seem inexpressibly small

³² C. G. Chamberlayne, *Ham Chamberlayne — Virginian. Letters and Papers of an Artillery Officer in the War for Southern Independence 1861-1865.* (Richmond, 1932), pp. 298-299, hereinafter *Ham Chamberlayne — Virginian.*

³³ Mary Boykin Chesnut, *A Diary From Dixie*, p. 343.

I shall not suffer the want of exercise or air or any of the unwholesome things of a prison to affect my health or temper and with the blessing of God I will return to the army stronger & better than I left it — I have not yet been able to get a blanket, but will before you could send it to me — I had a good view of Mother Mary & Nannie & little Henry at Fort McHenry ³⁴

Ever affectionately

J J Archer

Mrs. A. Archer
47 McCullough St.,
Baltimore
Maryland

Ft. Sandusky, Johnson's Island, near Sandusky
Ohio 28th July 1863

My dear Mother. — I received a letter from Henry 15th & from Mary 18th — I also received (besides the vest trousers & under clothing for self & friends at Ft. McHenry) 20\$ which you sent through Gen^l Morris & which he sent through Gen^l Schoepf — I also received a box of medicine writing paper &c from Mary which I got after I had gone aboard the boat on my way from Ft. Del. here on the 18th inst.

I wrote to you that morning telling where to direct your letters but have not heard from home since — We are much more comfortable here than we were at Ft. Del. having 12 acres of ground for exercise included in our prison limits — with those of Morgans Men ³⁵ who came in this morning there are about 800 Conf.^{de}

³⁴ As this letter indicates, Archer had been taken from Gettysburg to Fort McHenry and then to Fort Delaware. The "view" he had of his mother and sisters was the first since the winter of 1857-1858 when he had returned to the East on leave, and would be the last "view" he would ever have, Archer Ms. Md. Hist. Soc.

Archer and a large portion of his brigade had been captured at the very outset of the fighting on July 1, 1863. For an account of Archer's brigade, see the report of Lt. Col. S. G. Shepard, 7 Tenn., O. R., Series 1, Vol. XXVII, Part II, pp. 646-648. Of 1048 men engaged at Gettysburg, 677 were killed, wounded, or captured.

Colonel Birkett D. Fry, Archer's old friend, who succeeded to the command of Archer's brigade after Archer's capture, was subsequently wounded in Pickett's charge. In speaking of the part played in that famous movement by Archer's brigade on July 3, Fry wrote: "All of the five regimental colors of my command (Archer's) reached the line of the enemy's works, and many of my men and officers were killed or wounded after passing over it." *S. H. S. P.*, VII, 93.

³⁵ On July 26, 1863, General John Hunt Morgan surrendered his command to an Ohio militia captain near East Liverpool, thus ending the Indiana-Ohio raid begun on July 2 at the Cumberland River crossing near Burkesville. Of 2400 Confederates who participated in the raid, fewer than 400 escaped. Cecil Fletcher Holland, *Morgan and His Raiders*, (New York, 1942), pp. 225-248.

officers here — we spend our time visiting from one block of quarters to another much after the manner of life at the old Va. White Sulphur Springs — *Many of the officers have no money or change of clothing having no friends in Yankeydom to supply them* — those who have can get whatever they want — Where is Bob? — Send him a small hand-trunk with underclothing & a blanket shawl long enough for a blanket. Send me blanket shawl hdkkfs & socks — I have got coat trousers boots &c from Wiley & Reynolds late of Cecil Co (Sutlers) will give them a draft on you for them — No visitors come here except by permission of sec. of War or Commissary Gen^l of Prisoners — Except uniform everything including money can be rec^d by prisoners through Maj. Pierson Com^ds Ft. Sandusky — Letters must pass through him — they are read before we get them. I am allowed to send only a half sheet

Affectionately

J J Archer

Johnson's Island, near Sandusky
Ohio — 15th August 1863

My dear Nannie — I have received Nannie's letters of 6th & 7th Aug. Mary's of 29th July & 10th Aug. also 3 boxes — the contents all right & well selected only it is hardly worth while to send *rice & crackers* so far by *express* I also received Henry's draft through Maj. Pierson who keeps all money sent to prisoners, who pay for whatever they buy, by orders on him — How can I communicate with Bob — where is he & to whose care must I write & how with George Williams — George Lemmon is here & well — I received yesterday a very kind letter & a box of books and an enquiry whether any other commodities were allowed to be sent to prisoners, from Mrs. R. G. Breckenridge the wife of my friend Dr. B. — also messages to the same effect from Mrs. Anderson and Mrs. Adam's (" 'nee' " Throgmorton) of Louisville Ky — I am happy to inform you that I have no use for the flaxseed you sent me but have found others who wanted it — My health is perfect in every respect — Col. Humphrey a neighbour & friend Jas. Archer of Miss. is among the prisoners here. — Ascertain from Bob & write to Miss Torrence whatever he knows of Bob Finley — She has heard that he said Finley was in the last stage of consumption & is very sad about it I was very glad to get the lemmons for some sick prisoners here — I received a letter from Mr. Torrence informing me that Mrs. T. had written to you & also to her relatives in Pa. in relation

to Bob & another letter from him asking intelligence of Bob Finley — but his letters contained no word of greeting from Mrs. T. which is explained by your letter informing that she is a *war* woman. I write to Henry to-day — With best love to our dear mother & all at home in which word I say again that Shamrock & Cedar Hill & Rockland as well as Rock Run are included

I am ever faithfully
& affectionately yours

J J Archer

Johnsons Island near
Sandusky Ohio — 15th Aug. '63

My dear brother

I have received your kind letter together with the draft — Maj. Pierson Keeps all money belonging to prisoners & we pay for our purchases by orders on him — There are about 1600 prisoners here of whom about 1200 are officers including very many most intelligent & agreeable people — our quarters consist of 12 buildings within an enclosure of 12 acres surrounded by a high fence — the guards never come inside the enclosure except on special business — and except that we are required to put out lights at tattoo (9 O'clock P. M.) there is scarcely anything within the limits to remind us we are prisoners — The time of course hangs heavily — and I am painfully anxious to be where the work is going on — but I dwell on such thoughts as little as possible and seek to amuse myself & help to amuse others with talk & cards & back gammon & every kind of game of ball & everything else that idle people find to do except mischief which there is no opportunity for — I have read novels here until I am sick of the sight of them — Mr. Shamrock is I am afraid a little imprudent in the expression of his appreciation of blessings of the best & freest government in the world — You had better caution him on the subject if you can take that liberty with him — Maj. Pierson unlike Schenk & Morris & Schoepf seems desirous to interfere with the prisoners as little as is consistent with their safe keeping

Give my love to Mary & all her sweet pretty girls & brave manly boys — remember me to Garret, McHenry, & all our Harford friends

Affectionately
Yours

J J Archer

Johnson's Island Aug. 28th '63

My dear Mary

I am sorry I should have been remiss enough about writing to cause uneasiness at home — There is no pleasure in writing when letters must be read by strangers — it becomes a disagreeable & even difficult task — My neglect was hardly sufficient however to require Nannie to write on the subject to Major (now Lt. Colonel) Pierson — He sent me her letter to answer for him — I had written to Henry & Nannie about 17th inst — I received 2 drafts from Henry — 3 boxes at one time & at another one box containing oysters & handkerchiefs Rec^d Nannie's letters of 18th & 22nd & Henry's of 8th & 21st — Have not had a line from Bob or George Williams or O. H. T. and dont know their address — I wrote you that I was entirely well — It is the first time I have been in perfect health since the attack of dysentery I had in Aug. 1861 in Richmond

I know nothing of Mr. Shackelford — Lt. Col. Shackleford of 1st Ten. rgt. was killed at Gaines Mill June '62 — What Mr. Shackleford is it you want to know about? — With love to mother & all

J J Archer

Johnsons Island

15th September 1863

My dear Nannie

It has been more than a week since I received a letter from home — I have received Albert's dated 7th — I directed Sister H.'s to Perryville — was that right? Everything is going on pretty much as usual —

I dined out (not outside of the prison) with the Mess of Col Green who had received a present from some friends near Chicago of grouse Catawba wine &c — To day I dine out with Lt Col Lockhorn's Mess which has just received a box of good things from Mrs. Reyburn to whom he desires to be kindly remembered — These little dinner parties are of frequent occurrence here — So many Southern officers having friends or relatives in the North. Say to Mrs. Reyburn that I don't think more than a *dozen* jackets trousers & shoes will be required here at present — the underclothing *will* — George Lemmon Maj. Hall,³⁶ Hollingsworth, & Goldsborough³⁷ are

³⁶ Major W. Carvell Hall of Baltimore, serving on the staff of General I. R. Trimble, C. S. A., was imprisoned with Archer following his capture at Gettysburg, July 3, 1863. Born May 10, 1833, he died 14 April, 1879. Dielman File, Md. Hist. Soc.

³⁷ Major William Worthington Goldsborough, of Frederick County, was captured at Gettysburg having been wounded while in acting command of the Second Maryland Infantry, C. S. A.

well — I have met Capt. Ross of General Beall's Staff — he is a nephew of our Aunt Margaret of Miss. his home is near that of our relatives the Chamberlaines Archers &c

Johnsons Island
20th September 1863

My dear Mother

I received Mary's letter of 10th September and Nannies & Henry's of 13th Sept. Col. Pierson received Henry's draft for use of the Prisoners — As I had appropriated more than that amount to the same object I will have to take a portion of it for my own use. Say to Miss Reyburn that no jackets or trousers are allowed here except grey — Lemmon is well, let his Mother know it as his correspondence has been stopped & she may become uneasy about him — I look in every batch of prisoners that arrives for Bob & George, always tell me of both of them & of Col. Fry — Let Bob know that Col. Christian is here who as well as the officers of my brigade make frequent enquiries for him. —

With love to all
Affectionately Yours
J J Archer

I heard that Col. R. M. Powell of my old 5th Texas Regt. died in Balto. of wounds received at Gettysburg — If he should be living & a prisoner near Balto. I beg that you will show any kindness in your power ³⁸

After the war he worked on newspapers in Winchester, Va., Tacoma, Washington, and Philadelphia and authored the volume — *The Maryland Line in the Confederate Army 1861-1865*. Dielman File, Md. Hist. Soc.

At his death in 1901 in Philadelphia it was reported that he had told his wife; "should the end come, don't bury me among the ——— Yankees here, send my body to Broad-street station, and ship it to Winfield Peters, Baltimore."

He is buried in Loudoun Park Cemetery, Baltimore. *S.H.S.P.*, XXIX, 243.

³⁸ On September 21, 1863, Major Y. H. Blackwell, a paroled Confederate writing from Washington, Ark., addressed James A. Seddon, Secretary of War: "I was requested by Brigadier-General Archer, from Maryland, now a prisoner at Johnson's Island, to forward you this communication. I have just returned from prison there, having been paroled, and was told by him to say to you that he would not sign his name to the communication for fear of discovery in case it should be found on my person."

The enclosure which follows indicates that Archer was spending at least a portion of his time thinking of escape. (The failure of the plan to free the prisoners on Johnson's Island has been touched on in *S.H.S.P.*, XIX, 283-289. In the plan as recorded by Captain L. W. Allen, General Archer was to have been one of the four corps commanders, the whole organization to be under General I. R. Trimble of Maryland.)

Johnsons Island
29th Sept 1863

My dear Nannie

My health continues good — received your letter of 20th inst. one day last week — Has Miss Reyburn recd. mine yet

I have learned that Colonel R. M. Powell of the 5th Texas regt. is at Fort McHenry convalescent — Please ascertain if you can do anything for him

Lemmon is well — We hope to be exchanged soon — will try to see you when we are — My friend Genl Hood is reported killed at Chattanooga — don't believe it he has been so reported after all the battles — remember me affectionately to all friends — When did you see Miss Mary Perine — how is she — How are the Williams'

Always tell me whatever you know of G. A. Williams & Bob —

Yours affectionately
J J Archer

Johnson's Island
4th October 1863
Sunday night

My dear Mary

I received Nannies letter of 25th Sept. — Bob arrived Wednesday night about 9 O'clock — I had him brought to my room where he staid with me that night — He messes with me but sleeps in a less crowded room with some of his old friends of the 55th Virginia regt. — He is quite well and inasmuch as he was no longer permitted to see any of you at Ft. McHenry would rather be here than there. Col. Powell of 5th Texas arrived at the same time completely recovered from his wounds and Col. Fry looking better than I have seen him for a long time

The sisters of Genl Beall³⁹ & Capt. []kner and Capt. Wash-

"We count here 1600 prisoners, 1200 officers. We can take the island, guarded by only one battalion, with small loss, but have no way to get off. A naval officer might procure in some way a steamer on the lake and with a few men attack the island and take us to Canada. C. C. Egerton of Baltimore, would, I think, furnish a fitting crew to one of our naval officers who carried your indorsement to him, and would give valuable advice regarding how to get the men armed in steamer, &c. There is no truer or more daring man in our service, and he has a large body of men sworn to obey him and help us. Lieut. George Bier or William Parker are suggested" (*O. R.*, Series II, VI, p. 311).

³⁹ General William Nelson Rector Beall, a graduate of the United States Military Academy, entered Confederate service about the same time as Archer, served under General Van Dorn in Arkansas and was promoted brigadier on April 11, 1862. He was captured at Port Hudson, July 9, 1863, *Generals In Gray*, p. 22.

ington's [] other have been here and allowed [] see them this week — I suppose they would not have come & that their officers would not have desired if they had been required to take the oath. I can not bear to think of the horrible tyranny practised in Maryland but I always knew it would come if none resisted in the beginning.

Yours affectionately

J J Archer

[letter torn]

[on back of 4th Oct. letter]

Johnsons Island

14th October

We have received the box all right except two or three *small* jars broken — have received letters from Henry & Nannie of 2nd Oct. & from Nannie of 9th —

A Lieutenant of the Texas Cavalry the same Company in which Stevenson Archer is arrived here (a prisoner) a few days since — Stevenson & he were at Dr John Archer's in Louisiana a short time before his (the Lt's) capture — Stevenson was well — Give this information to Cousin H. with my love — We entertain strong hopes of a special exchange — It is very hard to be kept here idle while the victories which will illustrate the history the country are being fought by others

Bob & George L. are well

Ever my dear Sister

Affectionately

J-J Archer

Military Prison

Johnson's Island

23^d Oct 1863

My dear Nannie

Your letter of 17th Oct. has just come — Bob & I are both well we are in the same mess & he stays in my room throughout the day, when we are not out together — I am sorry I have not been more punctual about writing but I know that you all know it is from no forgetfulness or want of affection. I never forget you, if I always remembered you in the midst of all the excitement of the war I am not likely to forget you here & now, give my best love to our mother & all our friends &

Ever My dear Sister

Affectionately Yrs

J J Archer

Military Prison
Johnson's Island O.
1st Nov. 1863

My dear Mother

I have received Nannie's letter of 25th ult^o, inclosing draft for 50\$ — Have heard nothing from Mr. Reyburn, Mr. Chrichton wrote me that he would send clothing to me for prisoners & I got a letter from J. P. Williams saying that it had been sent, It has not arrived — Nearly every mail brings me some kind token from the relatives of my friends Breckenridge and Wickliffe & other good ladies in Kentucky whom I have never personally known — Today I received a very kind letter with tender of services from Capt. H. Douglass U. S. A. — an old comrade in W. T. — who having been wounded at the battle of Murfreesboro, has been for some time on duty as mustering officer at Cleaveland Ohio — I see no prospect of a speedy exchange when it comes I will ask for a parole for at least a few hours with you as I pass through Baltimore. My dear mother I beg you will not suffer yourself to be cast down by this cruel separation — I have an abiding faith, which the darkest hour has never dimmed, that we will both be spared to meet at your happy fireside, after this war is over, and all my hopes, which ever cling to my own people, shall have been fulfilled. Do not despair if we fail this time Be of good faith, & trust fearlessly to that Providence, which has already preserved us through so many dangers — Bob is well he is now living in the same room with me, so that we are almost always together he sends much love — He wants you to send him three soft cotton undershirts such as he has always worn — & as many more for me — He wants Henry to select & send him some smoking & chewing tobacco — You may say to him also that although I keep on trying to break myself of chewing & smoking & in spite of continued failures do not despair of ultimate success I will probably use a few pounds of the weed before I am quite done with it

— Neither Mrs. Reyburn's nor Mr. Crichtons box has yet arrived

.....
— 2nd November '63 — Have just received Nannie's letter of 29th ult.

Ever affectionately
Yours

J J Archer

While I remain here you need not limit yourself to any particular number of pages in writing

.....

In haste I send this letter I suppose this is Marys Match tray

Yours

All Well

Nannie Archer

Mrs. A. Archer
Balto. Md.

Johnson's Island
2nd Jany. 1864

My dear Mother

The wisdom of your great and magnanimous rulers has again restricted us to a single page in writing —
— They have long since forbidden the sutlers to sell to us anything except stationary & tobacco. This is hard upon those of the sick who require other diet than the army rations afford — Formerly we were allowed to purchase from the sutlers, & those who had money furnished the sick with whatever was necessary for them — They have not as yet stopped the delivery of boxes of provisions sent by friends but may do so at any time — Bob is well & in as good spirits as our confinement will permit anyone to be — Genl Terry who was at my room a few days ago said he thought we would soon be exchanged (which I do not think) and advised me to write to Genl Heintzelman for leave to visit you on parole during my passage through Balto. & offered to forward my letter — I have written — I do not like Nannie's proposition for you and her to go to Mr. Staunton on the subject — George Lemmon is well & sends regards — Tell N. that some of her letters are a little imprudent —

Ever & most affectionately yrs.

J. J. Archer

To
Mrs. Ann Archer
Baltimore, Md.

Johnsons Island, Ohio
Jany. 4th 1864

My dear Mother

We received the box of eatables, caps & gloves that you sent a few days after Christmas — The first chance you have send me a pair of gloves like those you sent last. I gave mine away

Major John A. Blair of Miss. and our messmate, wrote to Mrs. Reyburn to send him an overcoat with a cape, to be paid for on delivery, we told him to write to her as she had kindly offered to do anything she could for our friends ask her if she received his letter —

We are well but very anxious to be exchanged — Love to little Henry relations & friends and believe me as ever

Yr. affectionate son

Johnson's Island
6th Feb. 1864

My dear Mother

It is nearly three weeks since I have received a line from any one at home or even from Maryland—I cannot believe that no one has written and am forced to the conclusion that the letters have been suppressed — Either for some intelligence considered inadmissible or perhaps because the letters have been too long perhaps & would be surer to limit your letters to a single page as my own are required to be — I have had a slight attack of dysentery since I last wrote from which I have entirely recovered — G. L. & Bob are both well

Did you see Col. D. Howard Smith — I did not know when he left here that he would stop a day in Baltimore or would have asked him to call on you — I have rec'd kind letters from Cordelia & Nancy W. which will answer soon — am only allowed to mail one letter at a time — The next time you send anything send a $\frac{1}{2}$ doz. towels — We can purchase here nothing but stationary & tobacco

I wrote to Mr. Crichton Bowley's Wharf but fear he did not get the letter — Drop him a note that I will be glad if he will send the articles that they are much needed by the sick

With love to all

Lt. Hicks was kind enough to call & say that he had seen you & to tell me how well you looked.

Affectionately Yours
J. J. Archer

Johnson's Island
13th Feb 1864

My dear Mother

We are in daily expectation of leaving Johnson's Island for Point Lookout, Fortress Monroe or some other place. It is not certain

whether Bob & I will be allowed to travel by the same train — I have asked that he & Lemmon should accompany me — My room mates are Brig. Gen J R Jones Lt. Col. Payne Va. Cav. Lt. Col. George 1st Ten. Regt.⁴⁰ Bob. and until last Tuesday Maj. Blair & Lt. Chamberlayne,⁴¹ the two latter have left the Island, and George Lemmon is now with me — I have just received a very kind letter from Mrs. Breckenridge in which she expresses her regret that she cannot send you any better photograph of her husband than the Richmond artists furnished & is unwilling to send that —

Bob's overcoat arrived safely also the box of provisions & cordial. — the jars of pickles and two bottles were broken as all the thin glass vessels you send are apt to be.

Ever affectionately Yrs

J. J. Archer

Johnson's Island
26th Feb. 1864

My dear Mother

Mary's letter of 19th Inst. was duly received — I hope that you & Nannie will abandon the attempt to obtain permission for an interview with us, unless you could do it through third persons — As for myself I do not care to see you unless our interview could be private — Our separation has been too long and the circumstances of our position too full of all that is affecting for our meeting to be witnessed by strangers even, much less by my enemies. Bob has had a severe attack of dysentery since I last wrote but is now quite well although still weak from its effects — George Lemmon is about as well as usual I think I mentioned that he has been one of my room-mates ever since the late batch of prisoners left. My friend Col. D. Howard Smith of Ky. who left here on parole of 15 days writes back that he will be several days in Balto. en route to Ft.

⁴⁰ John Robert Jones of Harrisonburg, Va., was born in 1827, and educated at V. M. I. He served in the Stonewall Brigade until his appointment in June, 1862, to command of a brigade in Trimble's division. He was captured at Smithburg, Tennessee, July 4, 1863, *ibid.*, p. 165.

William Henry Fitzhugh Payne, Lt. Col. of the Fourth Virginia Cavalry, was also a V. M. I. graduate, native of Virginia, who was appointed brigadier general in November 1864. He was wounded and captured three times during the course of the war and spent more than fourteen months at Johnson's Island. He died in 1904, *ibid.*, 230-31. Lt. Col. Newton J. George was second in command of the First Confederate (Tennessee) Regiment in Archer's brigade. *Military Annals of Tennessee, Confederate* (Nashville, 1886), 129.

⁴¹ Major J. A. Blair "of Miss." and John Hampden Chamberlayne of Virginia had been roommates for eight months in various prisons at the North. *Ham Chamberlayne — Virginian*, p. 215.

Monroe I would like you to see him, enquire for him at Rev. Mr. Bullock's — Mr. Helm Chaplain of 1st Ten. Regt. left today and will call on you if he can — I gave him a request on Miss J. Harman Brown for clothing enquire of him if he got it I know that he is badly off in that respect —

Have a pr. of Scotch walking shoes made for me at Hendersons — a half inch longer than the foot & full & roomy over the toe — one white & 4 colored X brand shirts — collars attached — & a pr. slippers — Thank Mary Perine for a very pretty cap

Yrs & C

J. J. Archer

Johnson's Island
8th March 1864

You need not use up any part of the short page you are limited to in saying how much you want to see us — It is not after so many years of such constant affection as ours that such an assurance can be necessary

My dear Nannie

I wrote to Mother two days ago that I had not heard from home for three weeks but yesterday both Bob & I recd letters of 28th and 3rd inst & another today — My last was written on foolscap but as an order appeared yesterday limiting us to a single page of ordinary letter paper, she may not have recd it. I hope you will not again suffer yourselves to be excited by any rumors you may hear of our exchange removal or anything else — at all events do not allow them to prevent your doing whatever you would otherwise have done — Miss P's message has been delivered to R. S. Bell — G. L. & Bob are well —

I have never rec'd but 2 Nos. of Blackwood would like to have it — Send me three (bandana) colored silk hdks — Give my best regards to Miss M. Perine to Miss Emma Brent to Mrs. Reyburn & Mrs. G. H. Brown and to all friends who are kind enough to enquire for me — Jog Mary about writing — Ask John Ann to write me some account of her visits to her married sisters &c With love to Mother & all her children

Ever affectionately Yrs

J. J. Archer

Johnson's Island
18th March 1864

My dear Mother

We received yesterday the barrel of provisions you sent — This evening we had quite a merry little supper party in my room consisting of the inmates of my own & Genl Trimble's rooms & Capt. Davis of the old 9th Inftry now of Mississippi Cav. — The spiced round was duly honored & the hope of speedy exchange made our party unusually cheerful — I would consider myself fortunate to be at Point Look-out — Would be certain then that at least I would have an opportunity of seeing you — Lemmon, Bob & Col. Fry are well — Fry dined with me yesterday — He is very anxious to go to Pt. Lookout in the hope of meeting his wife there. Give a great deal of love to Henry Kate Sister H & their families — Say to Mrs Reyburn that I am only waiting to write to her until I know whether her box sent to Blair & me is safe — Edward Beatty of Montgomery Co. is dying in hospital we know that he cannot live to see his Mother who has been sent for —

Good night. Ever dear Mother

Affectionately Yrs

J. J. Archer

Last summer I wrote to Uncle Herman — Lapidum P. O.
did he get my letter

Johnsons Island
12th April 1864

My dear Mother

I neglected to write twice when I would otherwise have written, because Col. Fry & Major Hall were going through Balto. & could give a more satisfactory account of me than I could give myself.

Maj. Hall left day before yesterday on parole to Richmond for exchange — He promised to call on you if possible (I have heard of several paroled officers beings arrested for visiting). I have very little confidence in the exchange rumors & believe that no one will be exchanged except on special exchanges where they have friends who will take the trouble to work for them — Bob & G. L. are both well — I am recovering from an attack of sore throat

With love to all

Yours affectionately

J J Archer

Johnson's Island
21st April '64.

My dear Nannie

I have been remiss about writing only because I have had opportunities of sending my love by Col. Fry & Major Hall — The invalids (150) leave tomorrow — My friend x room-mate Col. Payne who is one of them will visit you if he can I am almost sorry that Bob & I cannot be included amongst the sick — I don't believe we will be exchanged or paroled — It is wonderful that I have kept my health here, but attribute it to the hope of an exchange which I have always until now preserved Yrs Affty J. J. Archer I gave Col. Fry a ring for you made by Captain Davis whom you perhaps remember as an officer of the Old 9th Inf. — he is a nephew of the President I also gave him a memorandum of what I would like a sack coat — gray merino cloth — something that won't fade — & a counting house portfolio — not to be sent to me until further order — the coat without buttons or button holes but with frogs & loops — Picket was said to have been engaged to Miss Symington — He was married before she was, but if it is true that she refused him to marry Janney she deserves to hear Mrs Janney instead of one of the best and most gallant and most distinguished officers and gentleman in America. Tell Kelley that I am no longer than when he measured me last

Yrs Affty

J. J. Archer

Johnsons Island
26th April 1864

My dear Brother —

We have got so accustomed to the rumors of exchange that they have ceased to furnish any excitement — I have no hope of any such event as a genl. exchge. and but very little of a special exchge. — My friends who might be able to do anything for me in the South not being in Richmond but busy in the field & fondly imagining that the special exchanges are properly made & not by the mere favor of the Commissioners on the unfortunates friends at the Capotal — I could bear my confinement while I had hope from day to day of exchange but now it is becoming intolerable — If I were exched. today I would already have lost a whole year of the most critical period of the war — give my best love to all yr.

family & remember me to Uncle Herman — A. L. I. Fernandis & all our friends —

Affly Yours

J J Archer

I would like to have photographs
of yr.self & family

Johnsons Island
1st May 1864

My dear Mother

I received Nannie's letter of 25th ulto. Yesterday the barrel of provisions unannounced reached me a day earlier — I am very well supplied with provisions now — & it will not be necessary to send any more for some time — We are again allowed to purchase from the Sutler but at more than double the outside market prices — Do not keep yourselves excited by rumours of exchange — I can see no prospect of it until next winter & not then unless at the close of the campaign we shall have a large excess of prisoners — Our imprisonment was hard enough to bear during the inactive winter months — but now that the campaign is open it is utterly intolerable — Tell Kelly that I have not changed since he took my measure — the clothing need not be *sent* unless I write for it

Ever affectly

J J Archer

To

Miss N. H. Archer
47 McCullough St
Baltimore
Maryland

Johnsons Island, 4th May 1864

My dear Nannie — Yours of 28th May was rec'd. — I hope what you have done may be successful but anxious as I am for transfer and exchange, I would not have you do it again, for that or any other *consideration* — and sensible as I am of your unwearying efforts to serve me, as shown by what you write, I have never had a letter from you which pleased me less — I am greatly as touched that Mother consented to the trip to W. — I have no doubt of the willingness of H. M. to serve me but don't believe in his influence — His brothers Sam & Robert were just pretending to that sort of influence, and used it as a means of acquiring influence with others, whom they hum bugged into the belief that they had done more

for them than any one else could have done — They were (I think) utterly unscrupulous & unreliable. — I only know this one by my visits to him in the prison at Richmond — he may be different — but he has been a politician & a gov.t contractor — pursuits not likely to correct the family predisposition — Send me two or three hams — some green tea & white sugar & pickles —

Ever my dear sister affectionately yours

J. J. Archer

Mrs. A. Archer
47 McCullough St
Baltimore
Maryland

Johnsons Island
16th May 1864

My dear Mother — Col. Payne was not able to stop in Baltimore or would have called on you — we got a letter from him announcing his arrival in Richmond — It does not appear to me probable that I will be permitted to stop in Balto. in the event of an exchange if I should be sent on at the same time with the rest of the prisoners — I think the only chance of my being able to see you depends upon my being specially transferred to Point Lookout — in advance of any general transfer this may be made in consequence of general exchange — I am advised too by all my friends who have been transferred to Point Lookout that Point Lookout is far preferable to this place in respect to health comfort range for exercise — everything else in fact — Bob & George Lemmon continue in their usual health —

With love to all — Affectionately Yours J. J. Archer

Johnson's Island
20th May 1864

My dear Mother — I received Nannie's letter yesterday, & from the haste she seems in to send me medicines & medical advice, I judge you are a little uneasy about my health — I am happy to inform you that I have entirely recovered, & that Bob & G. L. are also well — You seem to think too that we have no physicians, or perhaps you think we are dependent on Federal Surgeons which thank God is not the case — We have at our hospital here a most excellent volunteer corps of surgeons from among our field & company officers, who have taken entire charge of the medical attendance on our sick — My own especial physician is Col. Maxwell of Florida

who at the breaking out of the war was a professor at the Medical College of Savannah Ga. a most accomplished soldier & physician — Col. W. H. Payne 4th Va. Cav., my late room-mate, recently exchanged, & who arrived at Richmond as late as the 8th inst., has been again captured & is at Pt. Lookout — Please write to him & inquire what he wants — Tell little Henry we got the big oranges with our names on them —

Ever dear Mother affectionately Yrs.

J. J. Archer

Johnsons Island, 12th June 1864.

My dear Nannie yours of 5 inst. has been recd. — It seems hardly worth while to go back to Fort Del. and last July for matters to grieve over, while the present & future are so interesting. It is not true that I had no money or change of underclothing at Fort Del. or that I had to borrow a shirt from anybody — The supply of both, which you sent me to Ft. McHenry, was amply sufficient for me, Col. Payne, Capt. Chamberlayne & Maj. Blair, until we got here, when I was able to procure, from the sutler, whatever else I required

About two weeks ago, the Federal Surgeon in charge came to my room with an order from Washington to make a medical examination of mine & Bob's condition, & report the result immediately — Our health, at that juncture, was such, that I was pretty sure he would report as I did not wish that he should — the lapse of time which has since occurred confirms that opinion, and satisfies me that your efforts to have me transferred to Pt. Lookout have failed. Col. Payne was NOT recaptured, he writes to Col. Harman from Richmond "tell Genl Archer I wish I could tell him Some hopeful news I think I see for him"

Ever & most affectionately Yours

J. J. Archer

THE AMERICAN TELEGRAPH COMPANY

³⁶ W Dated - - Salem O 23 June 1864

Rec'd, Baltimore, - - - - 1864, - - - - o'clock, - - min. M.

To - - - - Mrs. Mary Archer

47 McCullough

Enroute to Fort Delaware

Will enquire for you
at Marshal House Phila.

J. Archer

12 Call 122 pd 93

THE AMERICAN TELEGRAPH COMPANY

²⁴ Dated - - Phila - - - - June 24 1864

Rec'd, Baltimore, - - - 24 1864, - - - o'clock, - - min. M.

To - - - - Mrs. A. Archer

47 McCullough

Enroute to Ft. Delaware

leave at two 2 P. M.

J. J. Archer

8.25

Fort Delaware 25 June

My dear Mary — Arrived here last evening — Telegraphed to Mother to meet me at the Marshall House Phila. not knowing that there was no longer a Hotel of that name there, which I only learned after arrival at Phila — I had no doubt however that you would at least enquire if not stay at the Gerard House, which is near the site of what *was* the “Marshall” — I went to the Gerard & left my address — I remained in Phila. from 6 A. M. to 2 P. M. — I am in hourly expectation of leaving with Genls. Johnson, Gardner, Stewart & Thompson & 45 field officers for Charleston harbour ⁴² — Col. R. Morgan is of the party — It would be hard to find a more agreeable set of gentlemen to make a pleasure excursion with — You need be under no unusual anxiety for my safety — I consider it rather an agreeable change from the monotony of my long confinement. Bob & Lemmon applied for permission to go with me I left them both well at Johnsons Island

Ever affectionately Yrs.

J. J. Archer

⁴² Major General Edward Johnson, an 1838 graduate of West Point, participated in much of the fighting in Virginia until his capture at Spotsylvania in May, 1864. *Generals In Gray*, pp. 158-59.

Major General Franklin Gardner, a native New Yorker and 1843 West Point graduate, was in command at Port Hudson where he was captured after the fall of Vicksburg, *ibid.*, p. 97.

Brigadier General G. H. Steuart was a brigade commander in Edward Johnson's division of the Army of Northern Virginia at the time of his capture at Spotsylvania, May 12, 1864. *ibid.*, 291.

Brigadier General M. Jeff Thompson of the Missouri State Guard was never confirmed in his rank by the Confederate States Senate, *ibid.*, p. xviii.

Recd. Nann's letter saying "we have just arrived at this place" but without date or any means of my knowing what place — I am deeply grieved that Mother should have taken so long a journey in vain — but we will yet meet under happier auspices

Hilton Head S. C.

30th June 1864

My dear General

Mrs. Reyburn of Ballo. has requested to write you in behalf of Capt. Patterson 5th New Hampshire Regt. now a prisoner at Richmond — Mrs. R. has devoted herself to our prisoners ever since the first of the war — She says that Capt. P. has done every thing possible for our prisoners while provost Martial at Pt. Lookout & that he most kindly & courteously afforded her every facility for administering to their wants — Genl. Jeff Thompson Maj. Branch & others concur in this praise of Capt. Patterson in requesting for him every indulgence that can be afforded to him — they hope he will be selected among the first should exchanges be resumed

Very truly & respectfully

J. J. Archer

Brig. Genl. Winder

C. S. A.

Commanding Officer of Prison
at Macon Please give me any
information he may have of this officer

Jno H Winder

Br

Aug 22nd 1864

Macon C. S. M. Pris

Aug 24, 1864

Capt. Patterson has never

been in this prison — No information can be obtained here concerning him —

M. Latimer, Capt. Comd. Prison

Mrs. A. Archer

47 McCullough St

Baltimore

Maryland

Hilton Head S. C. 30th June 1864

My dear Mother — Left Ft. Del. 26th inst. & arrived here last evening at 5 O'clock P. M. — Had a pleasant trip the first on which I

was not sea-sick — Have been lying here at anchor ever since arrival — Do not know when or where next — I cannot express all my regret & disappointment at not being able to see you in Philadelphia. Write to Bob soon & give a great deal of love — The sack coat you sent him was too long & too large — He gave it away — send him another shorter & more closely fitting — send him also a pair of slippers & ask Henry to send him \$100 — Send Bob's clothes in a strong sole-leather hand trunk otherwise they will be ruined or lost — I regret you did not send me one as well as the port-folio I asked for — I received the clothes at Ft. Del. which suited me perfectly. Write to Brig. Genl. R. B. Vance prisoner at Ft. Del. concerning Bob Finley for Mrs. Torrence's information. — 7th July 1864 — Nothing new has transpired —

Yrs. afftly.

J. J. Archer

Miss N. H. Archer
No. 47 McCulloh St.
Baltimore

July 24th — This letter was sent here by mistake
R. H. A.

Prison Ship Dragoon, Hilton Head S. C., 15th July 1864, My dear Nannie — I have just received yours of 6th inst. but not Mary's which you say was sent to care of Comodore Rodgers — better write to care of Genl Foster — We know nothing of the intentions of Genl Foster in regard to us — whenever any change occurs in our condition I will endeavor to inform you — I think that whenever another batch of invalids is exchanged Bob should be amongst them — He could easily have gone when Col. Payne went, but he was fearful, that, by presenting himself, he might keep others out whose cases were more urgent than his own — besides he was not quite willing to go and leave me — Lemmons health too is very delicate and I think his friends should make an effort to get him exchanged to a better climate where his friends can take care of him — Do not let Mother be made uneasy by what I have said of R. H. A.'s health there is no occasion for it — He was in better health at the time I left than at any time since his capture — I never expected or desired you or Mother to visit me at the Island — Neither did Bob — Neither of us would be willing for you to have come on the conditions which were exacted of some.

Ever my dear Sister, Yours

J. J. Archer

Mrs. A. Archer
47 McCullough St
Baltimore Maryland

Hilton Hd S. C., 20th July 1864 — My dear Mother I received Nannie's letter of 6th inst. but not Mary's which was directed to care of Com. Rodgers — Direct in future to care of Genl Foster — We have now been lying here three weeks, still ignorant of what next. The clothing you sent me to Ft. Del. was recd. I have two rings for Nannie one of them sent her by Capt. Davis which will forward by first opportunity. Send Bob some porter I think it will be of service to him. I am afraid and so is Bob that you may be letting little Henry's golden moments for learning pass unimproved, through a mistaken view of his health. — Now is the time for him to learn French. For the very reason that his health is delicate, he should be made to learn the more and be subjected to the better *discipline* — He need not be unduly confined, in order to learn what it is necessary he should know hereafter — the more confining studies can be alternated with fencing, riding, shooting, dancing & play in such a way as to keep him amused & interested in all and to benefit instead of hurting his health. — Remember too that he may not always enjoy the opportunity, and that his health, like his fathers, may never be any better during his boyhood, and that if he neglects now he may never acquire the habits of application necessary to improve hereafter the great natural talents that all agree in thinking he possesses. Think too that to such a mind as his, the acquisition of knowledge is not the labor that it is to a dull plodder rather a recreation — give no heed to that ignorant foggy which teaches that a boy may be injured by too much learning while he does not neglect his play & exercise — I've received the pipe tobacco &c which Mary Perine sent *me* and which were most acceptable both for their own value and as a souvenir of a very dear friend

Ever yours dear Mother —
J. J. Archer

Captain R. H. Archer
Asst. Adj't. Gen'l.
Archer's Brigade
Prisoner of War
Johnson's Island

Hilton Hd. S. C. 20th July 1864 — My dear brother — We have been here on board a prison ship three weeks & still ignorant of what

next — Anything you may want from home had better be sent to you direct — There is no more certainty of your being allowed to see our Mother in passing through than there was for me — I have written, about little Henry, all that you asked me to say to Mother if I saw her — I wrote too to have some porter sent you for the benefit of your health — I am messing with Genls. Gardner & Thompson & Cols. Duke & Morgan ⁴³ — I had no opportunity to make any provision for the trip, but Morgan & Thompson were well provided & made me welcome to all they had — Some imagine that our journey here will ultimately result in an exchange, but I do not suffer myself to indulge in the contemplation of so much happiness — Whenever in the course of events I shall be exchanged I will spare no efforts to get you and George Lemmon — Give him my best love — Both of you take the best care of your health so that you may be able to enjoy & use your liberty whenever it may come to you. Remember me to Genls Jones & all in Nos. 20 & 7 to all the officers of my brigade and Powell's regt. I had \$23 dollars transferred to your credit the day I left Johnson's Island — I wrote also from here for H. to send you

Ever my dear Bob affectionately Yrs

J. J. Archer

Prison Ship Dragoon, Hilton Head, S. C.

24th July 1864 — My dear Nannie The mail steamer came in last Thursday without a letter from you — Your letter should be directed to care of Genl. Foster — From the fact of your never writing me by "flag of truce" while I was in Virginia I concluded that you did not know you could do it. Often letters of a single page containing

⁴³ Colonels Basil Duke and Richard Morgan had been captured with Colonel Morgan's famous brother, John Hunt Morgan (Holland, *op. cit.* see footnote 35).

Writing two years after the war, Duke recounted his experiences on the Hilton Head trip, and his esteem for Archer can be seen in the following:

"At last a piece of good fortune befell some of us. It was announced that General Jones, the officer in command at Charleston, had placed fifty Federal officers in a part of the city where they would be exposed to danger from the batteries of the besiegers. An order was issued that fifty Confederate officers, of corresponding rank, should be selected for retaliation. Five general and forty-five field officers were accordingly chosen from the different prisons, Fort Delaware furnishing a large delegation for that purpose. The General officers selected were Major General Frank Gardner - - - Major-General Edward Johnson - - - Brigadier-General Steuart, of the Maryland Brigade, - - - There was still another of these fortunate men — fortunate in having helped to win fields where Confederate soldiers had immortalized the title — Brigadier-General Archer was the fourth general officer. A favorite officer of General A. P. Hill, he was in every respect worthy of a hero's friendship and confidence" (*History of Morgan's Cavalry* [Cinn., 1867] pp. 501-506).

no contraband matter have always been allowed to pass — I hope Mother understands that neither Bob nor I expected or desired her to go to Johnson's Island while we were there — I was deeply grieved that I did not see her at Phila or Ft. Delaware although if they had exacted from her the same conditions which was complied with by most others who visited their friends, then I would have been more distressed than pleased to have seen her. I hope you are satisfied by this time with what I wrote about about *not* my friend (Mr. M. whom you think has influence with Mrs. S.) I firmly believe that whole tribe to be utterly false, low, unprincipled & corrupt. My health continues good, we have as yet no information as to our ultimate destination — I am sorry to learn that Johnnie suffered from her trip to Ft. Del. give her a great deal of love from me & believe me my dear sister

Affectionately Yrs.

J. J. Archer

P. S. I did not receive the letter from Mrs. Reyburn which you mentioned she had written me — I wrote as you requested from her to Genl. Winder to endeavor to secure the best treatment & the earliest possible exchange for Capt. Patterson (late provost martial at Pt. Lookout) in consideration of his humanity towards Confederate prisoners

Mrs A. Archer
47 McCullough St.
Baltimore Maryland

Prison Ship Dragoon Hilton Hd. S. C. 1st August 1864

We are assured by Genl. Foster's adjt. that the negotiations for our exchange are perfected, and that day after tomorrow we will be sent to Charleston exchanged — Joy at my own liberty is almost turned to sorrow when I think of Bob & Lemmon left languishing in prison. Do not my dear Mother any longer indulge a fear that we will never meet again

Our reunion under happier auspices, is a thing I have never for a moment doubted, and, when we do meet we will rejoice over our late disappointments, which at the time we found so hard to bear — After all, my dear Mother it would have been but a small satisfaction to have met under the espionage of a government official — Send Bob for me, photographs of all my brothers, sisters, nephews, & nieces, except those sent me by Henry & Nannie's Belle's & Alberts which I already have — also Judge Constable's & Cousin

Jno. William's and as I like to look at lovely sights — Cousin Aletia Stump's and the photos of any of my pretty friends, who are willing to send them — Send my valise to Lt. Col. N. I. George 1st Ten. Regt. to whom I lend it — I write to Bob who will explain it to him — I received only yesterday Mary's first letter together with her last dated 23rd — Write me often by *flag of truce*. I will avail myself of all opportunities to do the same — but it is an uncertain means of communication & neither of us must be anxious if we do not often succeed in getting our letters — In spite of many & great annoyances & discomforts my life as a prisoner, & even on board this miserable prison ship has not been all together devoid of pleasure and my health is more complete than at any time since my first arrival at Richmond — I have learned to keep the bright side of all circumstances constantly in sight, to dismiss anxieties from my mind, & to contemplate no misfortune that is manifestly without a remedy — and I go now to the scene of my duties & labors full of the brightest hopes and with the strong confidence that our long deferred meeting will not be very much delayed

Ever dutifull and Affectionately Yrs

J. J. Archer

Miss N H Archer
47 McCulloch St.
Baltimore
Md

Near Petersburg, Va.
17th Sept. 1864

My dear Nannie

I have received several letters from home since my exchange — I have not heard since I was at Johnson's Island from Sallie Murray, but I was very glad to hear of my friend Brown and also from Shipley. I spent two days very pleasantly with my friend & old classmate Matheson — I had also very kind invitations from Mr. DeSaussure & Aiken & others — I spent also two days at Genl. Chesnut's in Columbia; and travelled from Columbia with Miss Warring in my charge. She is an exiled daughter of Col. Warring of P. G. Co. Md. whose property was confiscated & himself imprisoned some 18 months ago. I remained in Richmond some seven or eight days getting my servants, baggage etc together and preparing to join Hood, who had applied for me & to whom I was under orders to report — but finally having the choice offered me, decided to remain with Genl. Lee. I was governed in my

decision by consideration connected with my staff. Bob & Lemmon being prisoners & Oliver not well enough to accompany me I thought I might perhaps be able to help them all by remaining here.

Ever affectionately Yrs
J. J. Archer

Mrs. A. Archer

Near Petersburg Va. 4th Oct. 1864

My dear Mother

I have not had a very great deal to do yet since my return to Va. Have been engaged in but two unimportant battles — O H Thomas' health does not permit him at present to be with me he is in Richmond — Geo. Lemmon made me a visit about a week ago — He is not yet exchanged and has gone to Campbell County among his relatives there. George Williams is with me well and in good spirits. I wrote you before that my friend Brown had been heard from also Mr. Shipley —

I have been much gratified at receiving frequent letters from home per. flag of truce

Ever affectionately Yours
J. J. Archer

Major John D. Keiley

A. Q. M. & Chief Qr. Mr. Walker Brig

Hd Qrs Archers & Walkers Brig
5th Oct 1864

Major

You will please report to me without delay, in person, unless some emergency should prevent, in which case you will report by letter, informing me of the cause of your neglect to furnish at this point forage for the horses of the mounted officers of Walkers Brigade

If however you should be unfit for duty by reason of sickness, which, (although I have not been informed of it) I presume to be the case from your long continued failure to report to me & the gross neglect of the duties of your department — You will at once inform me of the fact in order that the responsibility may rest where it ought

Respectfully
Your Obt. Servt
J. J. Archer
Brig Genl
Comdg

Near Petersburg Va
5th Oct. 1864

Robert H. Archer
AA Genl

My dear Brother

I am sorry to say that I see no immediate prospect of your exchange although I am not altogether without hope. I will spare no pains to effect it if it is possible. Lemmon made me a visit about a week ago. He is not yet exchanged & has gone to Campbell County among his relatives. I have been in but two unimportant engagements since my arrival. Geo. Williams is with me *as before* — Tell * Herbert⁴⁴ his boys are with me and are the best in the world. Remember me kindly to all my friends at the Island — I think I told you that I lost my memorandumbook after my arrival at Charleston it will explain why many messages with which I was charged to friends of prisoners were not delivered

With much love
I am my dear brother
Ever truly yours
J. J. Archer

* Commands the Maryland Regt.

Henry W. Archer, Esq.
Baltimore

Md-

My dear brother

I send you Jim's last letter to me, tell Mother I will send the one she sent to me some other time I cannot write

Yr. afft. brother R H Archer

Col. W. H. Taylor

A. A. G.

A. N. Va.

Hd Qrs Archers Brig
16 Oct 1864

Colonel

Having been for the last two days & still being too unwell to perform any duty requiring physical exertion — I respectfully ask

⁴⁴ Lieutenant Colonel James R. Herbert, a veteran officer of the 1st Md. Regt., C. S. A., had been in command of the Second Maryland Infantry up to the time of his wounding and capture at Gettysburg, Dielman File, Md. Hist. Soc. The Second Maryland became a part of Archer's Brigade in July, 1864, and remained brigaded with the Tennessee and Alabama regiments of Archer's old command for the rest of the war. Goldsborough, *op. cit.*, p. 133.

48 hours leave of absence to go to Richmond to transact important business with a gentlemen who is about to go beyond the limits of the Confederate States.

Respectfully
Yr. Obt. Servt
J. J. Archer
Brig. Genl

Hd Qrs Archer Brig
16th Oct 1864

Brig Genl Archer

Ask leave to go
to Richmond & enclosing
Medical certificate

Headquarters
Heth's Div.

Oct. 16th -64
Respectfully forwarded appl —
H. Heth
Maj. Genl

Fort Colville W. T.
1st March 1861

My dear Mother

I beg you will excuse my not writing by the last mail but really I was so thoroughly disgusted that none of all my friends & relations even wrote me a single word concerning the one all absorbing topic of interest & anxiety, "the impending crisis" & of the views of my people & the people of Maryland on the subject that I just threw down my pen after I had taken it up to write, and let the mail go.

Not that I had not been glad to receive a letter from home informing me that you were all well asking me whether I had turkey for my thanksgiving day dinner, but that the omission of any mention of this great question which will not let me sleep quietly in my bed and leaving me in the dark as to views entertained by my friends & the probable course of Maryland in the matter, seem to impute to me a dishonorable indifference to the course of events.

Every mail I am looking & anxiously waiting to see that Maryland

has deposed her contemptible governor who has not had the sense or courage to put her in a condition to assist herself — and the moment I hear that she has done her duty to herself I am prepared to cut loose everything & hurry home. —

Everything is going on here pretty much as usual — On the 22d Feb. I gave out of the Company fund a ball & supper for my company at which there were about four hundred persons including the soldiers of the company — All of them were seated at the supper table in four relays — then were furnished with plenty of liquors and kept up the dancing until 4 O'clock in the morning — but I thought the best part of the entertainment was the singing by about 15 germains of the company who sang german songs during the last two hours of the ball — I was present during the whole time to see that order was preserved — & I do not believe that I ever saw more perfect decorum & good humor and fun or in any respect a much handsomer ball —

All the officers of the commission & of the garrison pronounced the men of my company the most gentlemanlike soldiers in appearance & conduct they had ever seen —

I received a letter from Henry by last mail just barely touching upon the *great question* and showing by his remarks that he has been too much occupied with the business of his profession to apply his clear head to that which is only second in importance to himself, to the salvation of his soul — He says that a hostile fanatical party is in possession of absolute power against the abuses of which there seems no security — In other words that Maryland is in a condition of slavery and if she don't feel the scourge it is only because her master is kind — and yet he says we will remain in the union — I do not recognize in this my noble generous self denying devoted & chivalrous brother —

He has not digested the events or followed out his opinions to their logical conclusions — in fact he has withdrawn himself too much from the political duties which his position demands of him or he would have thought enough on this subject to form logical & correct opinions. But I might as well be talking to the wind as to those who will not hear me until all these matters shall have been decided

With love to all

Your affectionate Son
J J Archer

EX PARTE MERRYMAN

THE centennial of the issuance of the writ of *habeas corpus* by Chief Justice Roger Brooke Taney in the case of *Ex parte Merryman* at Baltimore on May 26, 1861, was observed by the U. S. District Court in ceremonies beginning at 3:00 P. M., May 26, 1961. Chief Judge Roszel C. Thomsen opened the proceedings with the following remarks:

This very day marks the hundredth anniversary of one of the most important as well as dramatic cases ever heard in the Federal Courts of Maryland. The availability of the writ of *habeas corpus* is one of the points we often refer to in our Law Day exercises, and it seems only fitting that the Court should recognize the anniversary of the issuance of the writ in *Ex parte Merryman*.

We have therefore asked two of the ornaments of our Bar, Mr. H. H. Walker Lewis and Mr. William L. Marbury to prepare appropriate remarks.

We are honored by having with us on the Bench two Circuit Judges, Chief Judge Sobeloff and Judge Soper.

ADDRESS BY MR. LEWIS

At 2 o'clock on the morning of Saturday, May 25, 1861, John Merryman, of Hayfields, Baltimore County, was routed out of bed and arrested by a detachment of Union soldiers acting under the orders of General William H. Keim of Pennsylvania. The soldiers took Merryman from Cockeysville to Baltimore by train and then by hack to Fort McHenry, where, sometime after 8, he was locked up. The newspapers reported that Merryman, as First Lieutenant of the Baltimore County Horse Guards, had participated in the destruction of bridges on the Northern Central Railway, acting under orders from the public authorities.

Merryman, tall, handsome, and the owner of one of the best farms in Baltimore County, was a prominent citizen and president of the Maryland State Agricultural Society.¹ Friends

¹ Merryman was later Treasurer of Maryland and a member of the State Legislature.

rushed to his defense and that same Saturday a petition for writ of habeas corpus was prepared by attorneys George M. Gill and George H. Williams. It was sworn to before John Hanan, United States Commissioner, in Baltimore, and taken to Washington for presentation to Chief Justice Roger Brooke Taney of the Supreme Court.

Taney was 84 but mentally alert and vigorous. Born less than a year after the Declaration of Independence, his life was now closing in the midst of what Carl Sandburg calls the Second American Revolution. He was a member of an old and respected Southern Maryland family, but as a younger son he struck out on his own, practicing law in Frederick and later in Baltimore. He became Attorney General of Maryland, then Attorney General of the United States, and, during President Jackson's war on Mr. Biddle's Bank, Secretary of the Treasury. His first appointment to the Supreme Court failed of Senate confirmation, due to the enmities engendered by the Bank war, but he was reappointed and confirmed after the death of John Marshall, and assumed the difficult task of succeeding him as Chief Justice. Even in this exacting position, it was not long before his ability and judicial capacity won the admiration of earlier critics and detractors.

Taney was a tall, cavernous, Lincolnesque sort of man. He customarily dressed in black, and in earlier years of active practice at the bar, William Pinkney had said of him, "I can answer his argument, I am not afraid of his logic, but that infernal apostolic manner of his there is no replying to."² By now the apostolic manner had blended into the dignity of his judicial robes, and though he was bent with age, the strength and clarity of his mind made one forget the frailty of his physique. A few years before, Justice Benjamin R. Curtis of the Supreme Court had written his uncle, George Ticknor of Boston, that "Our aged Chief Justice grows more feeble in body, but retains his alacrity and force of mind wonderfully."³

As part of his judicial duties, Taney presided over the United States Circuit Court for the District of Maryland. He felt that

² John E. Semmes, *John H. B. Latrobe and His Times, 1803-1891* (Baltimore, 1917), p. 203.

³ Benjamin R. Curtis, Jr., *A Memoir of Benjamin Robbins Curtis, LL.D.* (Boston, 1879), Vol. 1, p. 193.

the Merryman case could be handled there with greater convenience to all parties concerned and accordingly went to Baltimore for that purpose. On Sunday, May 26, acting as Chief Justice of the United States Supreme Court, he ordered that a writ of habeas corpus be issued. Thomas Spicer, Clerk of the Circuit Court issued the writ, and at 4 o'clock that afternoon deputy United States Marshal Vance served it on General Cadwalader at Fort McHenry. It directed the General to produce the body of John Merryman in the United States Circuit Court at 11 o'clock on Monday, May 27, and to show cause for his detention.

The stage for these events had been set by the secession of the South and by President Lincoln's call for troops to Washington. The only route over which they could be brought from the North by rail ran through Baltimore, where they had to change trains and cross town to the Camden Street station of the B. & O. On April 19, 1861, while making this transfer, the Sixth Massachusetts Infantry was attacked by a mob and in the ensuing melee 4 soldiers and 12 civilians were killed.⁴

These were the first killings of the Civil War and it is of interest to note that they occurred on the anniversary of the Battle of Lexington, which drew the first blood of the American Revolution.

Although requested, no advance notice of the arrival of the troops had been given to the Mayor or to the police. Accordingly, no escort was available when, about noon, the Massachusetts regiment pulled into the President Street station in southeast Baltimore and started across town in railroad cars drawn by horses. Nine cars crossed safely. Then a load of sand was dumped on the tracks. The gathering crowd, aided by Negroes from southern ships at the adjacent wharves, hauled heavy anchors into the way. The remaining cars were forced to turn back, and 220 Massachusetts infantrymen had to dismount and march on foot.

At this point someone produced a Confederate flag and paraded it ahead of the troops. They tried to avoid following it, and the flagbearers were attacked by Union sympathizers. This triggered a wild free-for-all, and soon cobblestones, bricks,

⁴ It was this event that inspired James Ryder Randall, on April 23, 1861, to write "Maryland, My Maryland."

and bottles were hurtling through the air. Straggling soldiers were knocked down and their muskets snatched away. At least one was bayoneted with his own gun. Finally, they started to fire, the first civilian casualty being a young lawyer, Francis X. Ward. He survived, but others were less fortunate.

As usual, most of the casualties were bystanders. After the first onslaught, the soldiers were ordered to double time. This increased the mob's frenzy, just as dogs will attack more fiercely when a person flees. Also, the troops, while running, could not shoot effectively at the attackers in their rear, and so instead they poured a haphazard fire into the spectators clustered on sidewalks and street corners in front of them. One of those killed was a boy who had climbed onto a docked vessel for a better view.

The bloodshed would have been worse had not Mayor George William Brown come to the rescue from Camden Station, followed soon after by a detachment of police. The troops were brought to a walk, the police took up a position in their rear, and Mayor Brown marched beside the column, holding high an umbrella to identify himself and to protect the soldiers with his person.⁵

Although the troops were reunited at Camden Station, there was still one more casualty. Robert W. Davis, a prominent member of the firm of Paynter, Davis & Co., dry-goods dealers, had been inspecting some property on the outskirts of town when the trainload of soldiers passed him on its way towards Washington. He shook his fist at the train and was immediately shot and killed.⁶

That afternoon a mass meeting was called in Monument Square, attended by Governor Hicks, Mayor Brown, and leading citizens. A deputation was sent to President Lincoln to implore that no further troops be sent through Baltimore. As

⁵ As a consequence of a later controversy with General Dix over pay to the City police, Mayor Brown was arrested and kept in military prison from September 17, 1861 until November 27, 1862. Ultimately he became Chief Judge of the Supreme Bench of Baltimore City.

⁶ For detailed accounts of the riot, see: Matthew Page Andrews in *Baltimore, Its History and Its People*, edited by Clayton Colman Hall (N.Y.-Chicago, 1912), pp. 173-7; George William Brown, *Baltimore and the 19th of April, 1861* (Baltimore, 1887; Extra Volume III in Johns Hopkins Univ. Studies in Historical and Political Science). Charles B. Clark, "Baltimore and the Attack on the Sixth Massachusetts Regiment" *Md. Hist. Mag.*, LVI (Mar. 1961), 39-71.

a further precaution, it was determined to burn the railroad bridges connecting the City with the North, and an order to do so was issued.⁷ It was the performance of this order that led to John Merryman's arrest.

Although President Lincoln received the Baltimore delegation and sought to temporize with their request, his real answer was in the following order dated April 27 to Winfield Scott, Commanding General of the Army:

You are engaged in suppressing an insurrection against the laws of the United States. If at any point on or in the vicinity of any military line which is now or which shall be used between the city of Philadelphia and the city of Washington, you find resistance which renders it necessary to suspend the writ of habeas corpus, for the public safety, you personally or through the officer in command at the point at which the resistance occurs, are authorized to suspend the writ.⁸

The attack on its militia had infuriated Massachusetts, and on the night of May 13 Brigadier General Ben Butler of that State, acting without orders, and in darkness and rain, marched 1,000 men into Baltimore, fortified Federal Hill, and proclaimed himself master of the City. He also proclaimed it treasonable to send supplies to the seceding States, to display a Confederate flag, or to do anything else to give aid or comfort to the enemy. In Massachusetts, Butler was the hero of the hour and was promptly promoted to Major General. But the Union command took a dimmer view. On May 15, in the second day of his glory, he was ordered to "Issue no more Proclamations" and was transferred to Norfolk by a special wire from General Scott which said, "Your hazardous occupation was made without my knowledge, and of course without my approbation."⁹ Butler's successor in Baltimore was General George Cadwalader, of Philadelphia.

⁷ This order was issued by the Mayor and Police Commissioners of Baltimore with the concurrence of Governor Thomas Holiday Hicks. As to the latter's concurrence, sometimes denied, see George L. P. Radcliffe, *Governor Thomas Hicks of Maryland and the Civil War* (Baltimore, 1901; Johns Hopkins Univ. Studies, Series XIX, Nos. 11-12), pp. 560-1; George William Brown, *Baltimore and the 19th of April, 1861* (Baltimore, 1887), p. 58.

⁸ The War of the Rebellion—Official Records (Washington, D. C. 1880-1901), Series 1, II, 601-2.

⁹ *Ibid.*, 28.

Local evidence of Yankee enterprise was not limited to Ben Butler, as shown by the following advertisement in the Baltimore newspapers:

INVALIDS AND OTHERS WHO ARE COMPELLED TO LEAVE BALTIMORE IN ITS PRESENT STATE OF ANARCHY, WILL FIND A PLEASANT AND PEACEFUL HOME FOR THE SUMMER AT DR. MONDE'S WATER-CURE ESTABLISHMENT AT FLORENCE, MASSACHUSETTS.¹⁰

On May 14, while still in command at Baltimore, General Butler had ordered the arrest of Ross Winans, a member of the House of Delegates, as he returned from a meeting of the State Assembly at Frederick. In addition to being a member of the Legislature, Winans was a prominent inventor and a man of great wealth, reputedly worth fifteen million dollars. No charges were placed against him, but he was held prisoner until he took an oath not to commit any act of hostility against the Government of the United States. Winans' imprisonment undoubtedly was a factor in the alacrity with which Taney came into the Merryman case.

While in Baltimore, the Chief Justice stayed at the home of his eldest daughter, Anne, and her husband, J. Mason Campbell, on Franklin Street. On the morning of Monday, May 27, leaning on the arm of his grandson, he entered the old Masonic Hall on St. Paul Street, where the United States Court was then held, and precisely at eleven took his place on the bench. Shortly thereafter an Aide-de-Camp in full military regalia, including red sash and sword, presented himself to the Court and tendered a written document. General Cadwalader, it said was holding Merryman on charges of treason and, acting under the authority of President Lincoln, had suspended the writ of habeas corpus.

This, said the Chief Justice, was something that neither the President nor General Cadwalader had authority to do under the Constitution. Accordingly, he directed the Clerk to issue a writ of attachment requiring General Cadwalader to appear in Court at noon the following day to show cause why he should not be held in contempt.

It was idle to think that General Cadwalader would appear

¹⁰ The Sun, Baltimore, Md., May 25, 1861.

in Court on Tuesday, but there was speculation as to what he might do to Taney. On leaving his daughter's home next morning, the Chief Justice remarked that it was likely he should be imprisoned in Fort McHenry before night. This was not as fanciful as it may now appear. In the months ahead, the military were to arrest and imprison the Mayor, the Chief of Police, all four Police Commissioners, a member of Congress, thirty-one members of the Maryland Legislature, and many others, including several newspaper editors and at least two judges, Judge James L. Bartol of the Court of Appeals and Circuit Court Judge Richard Bennett Carmichael. The latter was arrested while conducting court at Easton and, when he refused to submit, was clubbed over the head with a revolver and forcibly dragged off the bench.¹¹

When the Merryman case was called at noon on the 28th, the United States Marshal, Washington Bonifant, reported that he had gone to Fort McHenry to serve the writ of attachment and had been denied admittance. The Chief Justice remarked wryly that the Marshal had power to summon a *posse comitatus* to aid him in seizing General Cadwalader. But in this instance, said Taney, he excused him. The General's power of refusing obedience was notoriously superior to any the Marshal could command.¹² The Chief Justice then proceeded to hold the detention of Merryman unlawful upon two grounds:

First—That the President, under the Constitution of the United States, cannot suspend the privilege of the writ of habeas corpus, nor authorize a military officer to do it.

Second—A military officer has no right to arrest and detain a person not subject to the rules and articles of war for an offense against the laws of the United States, except in aid of the judicial authority and subject to its control.

To avoid any misunderstanding he said he would put his opinion in writing for delivery to the President. This he did on Friday, June 1, in language as ringing as any document in

¹¹ See Charles B. Clark, *Suppression and Control of Maryland, 1861-1865 Maryland Hist. Mag.*, Vol. 54, pp. 241-271 (September, 1959).

¹² General Cadwalader was a member of a distinguished Philadelphia family and a brother of Judge John Cadwalader of that City. Mr. Thomas F. Cadwalader, of Baltimore, a grandson of the latter, reports that it used to be said that "if Judge John had issued the writ, he would have damn well made his brother obey it."

the long Anglo-American struggle for individual liberty.¹³ The keynote, perhaps, was when he said,

. . . if the authority which the Constitution has confided to the judiciary department and judicial officers may thus upon any pretext or under any circumstances be usurped by the military power at its discretion, the people of the United States are no longer living under a government of laws, but every citizen holds life, liberty, and property at the will and pleasure of the army officer in whose military district he may happen to be found.

After a civil war, the victors write the history books. The New Englanders who did so on this occasion were less than kind to the Chief Justice. In addition, the greatness of President Lincoln took some of the edge off Taney's strictures.

The Merryman case was a conflict between executive and judicial power. It was made the more dramatic by being a conflict between Taney and Lincoln. Unfortunately for Taney, people have come to feel that anyone who opposed Lincoln must have been wrong. In view of Lincoln's wisdom and self-restraint, history accords him latitude that could not be tolerated in a lesser man. But if the Constitution must depend upon the self-restraint of a single individual, what is there left?

Today, one hundred years later, most of us would agree with Professor William E. Mikell of the University of Pennsylvania Law School, when he said,

Taney's action in this case was worthy of the best traditions of the Anglo-Saxon judiciary. There is no sublimer picture in our history than this of the aged Chief Justice—the fires of Civil War kindling around him, . . . serene and unafraid, interposing the shield of the law in the defense of the liberty of the citizen. Chief Justice Coke, when the question was put to him by the King as to what he would do in a case where the King believed his prerogative concerned, made the answer which has become immortal, ‘When the case happens, I shall do that which shall be fit for a judge to do.’ Chief Justice Taney when presented with a case of presidential prerogative did that which was fit for a judge to do.¹⁴

¹³ 17 Fed. Cases 144, No. 9487. The proceedings and opinion were separately printed by Lucas Brothers, Baltimore, in 1861, and are also included in an Appendix (pp. 640-659) to Samuel Tyler, *Memoir of Roger Brooke Taney, LLD* (Baltimore, 1872).

¹⁴ William E. Mikell on Roger Brooke Taney in *Great American Lawyers* (Edited by William Draper Lewis, Philadelphia, 1908), Vol. 4, pp. 188-9.

Although charged with treason, Merryman was never brought to trial. He

MR. MARBURY'S REMARKS

It is something of a paradox that lawyers should gather today to be reminded of the proceedings in *Ex parte Merryman*. For it may fairly be said of that case that not since the rude Goth pulled the beard of the Roman senator has there been a more dramatic demonstration of the truth of the old maxim; *inter arma silent leges*; (freely rendered: "When the guns are firing, you cannot hear the lawyers talking.") Here in this court sat the highest judicial officer of the land. In the exercise of his clear constitutional authority he caused to be issued the most powerful and time-honored of all judicial mandates, the writ of *habeas corpus*—and his writ was ignored. In dignity, there was nothing left for him to do except to record his action for the judgment of posterity. Surely there is irony in the commemoration of such an exercise in futility.

True the occasion did have a different aspect. It took a bold heart to challenge the validity of President Lincoln's order authorizing the local military commander to suspend the writ of *habeas corpus*. Others who had challenged President Lincoln's actions had been placed under military arrest and confinement and Chief Justice Taney had reason to think that he might well suffer similar treatment. Since the decision in the *Dred Scott* case his name had been anathema to those who had placed Abraham Lincoln in the White House, and with war fevers rising and not unreasonable fears for the physical safety of the President reaching a point near hysteria, it took real courage to hand down the decision in *Ex parte Merryman*. This was especially true since that opinion gave not a little comfort to those who, like Colonel Charles Marshall, were undertaking to justify secession as the only way left to resist executive usurpation.

That President Lincoln felt able to ignore the order of the Chief Justice emphasizes its essential futility. Like the struggles of the heroes of Greek tragedy, which always aroused the pity and sympathy of the chorus but which just as invariably were completely unavailing to avert the fate to which the protagonists

is known to have had an interview with Secretary of War Cameron at Fort McHenry on July 4, 1861, and some time thereafter he was released. His next son, born December 5, 1864, was named Roger Brooke Taney Merryman, but died in infancy.

were predestined, so the proceedings in *Ex parte Merryman*, however much they may have aroused the sympathy of the community, were foredoomed to be ineffective. The President, like the gods on Olympus, could afford to treat the whole affair with indifference.

Why then do we think this a fitting occasion for ceremony? One answer is that it would be hard to find in the annals of this court any event more rich in historical interest. Indeed, *Ex parte Merryman* holds a very extraordinary fascination for the student of the Civil War era and especially for those who are interested in what happened here in Maryland during that period. But Mr. Lewis has already dealt with this aspect of the case, and I shall not attempt to gild the lily.

Is it because Taney's opinion established an important precedent in American constitutional law? That, I think, it would not be easy to demonstrate. This is hardly the occasion for an analysis of the decisions, beginning with *Ex parte Milligan*, which have explored this difficult terrain. All I shall say here is that after reading the utterances of those judges and legal scholars who have wrestled with this problem, I find it hard to escape the feeling that the answer to such questions lies more in the emotions than in any rational process. When justifiable fears for the national security are aroused, measures believed to be necessary for the protection of the State generally receive judicial sanction. We all remember the steps taken immediately after Pearl Harbor to relocate those residents of the Pacific Coast who were of Japanese descent. This "relocation" was, of course, nothing but detention in a concentration camp under military surveillance, of persons—many of them citizens of the United States—against whom no evidence of subversive action or of disloyal utterances had been brought forward. Yet this action received the highest judicial sanction in the *Korematsu* case.

Again, during World War II the military commander of the Hawaiian Islands, acting under authority of the Secretary of War, took certain security measures which he deemed necessary for the protection of the islands against subversion and possible invasion, including suspension of the writ of *habeas corpus*. The local District Judge, inspired no doubt by the example of Chief Justice Taney, undertook to challenge these measures.

I can testify from personal recollection to the reaction of that excellent lawyer and able judge, Robert P. Patterson, who was then Under-Secretary of War. Without a moment's hesitation Judge Patterson upheld the authority of the military commander and advised him to disregard the attempted intervention of the federal court.

Is there then any other justification for this gathering? I suggest that there is. Indeed, I believe that the role of Chief Justice Taney in *Ex parte Merryman* symbolizes the deepest aspirations of our times. All of us must surely entertain the hope that the rule of law will ultimately replace the use of naked power. I realize that this is beginning to be a shopworn phrase. On every hand committees arise dedicated to the idea that the rule of law furnishes the solution for all the troubles that presently vex the world, and Law Day has become a favorite occasion for every political orator to display his grasp of philosophical profundities—so that the ordinary man may be forgiven if he begins to suspect that this may be just another nostrum peddled by self-seeking adventurers.

I must also admit that to some the rule of law means little more than the fact that lawyers are somehow entitled to make money at the expense of laymen. This seems to be the view of those lawyers to whom the profession is a means of livelihood and nothing more. But I would venture to say that to every lawyer worthy of the name, the rule of law means something more profound than this. He may not understand it entirely and indeed if he tries to do so, he will speedily find himself wandering into the arena of juridical philosophy where the proponents of natural law contend with those who adhere to more pragmatic or positivist ideas. But just as the ordinary man may be confused by the debates of theologians and yet be moved by the examples of the saints, so the ordinary lawyer may lack competence in the field of jurisprudence and yet respond in his inmost being to a great act of faith such as the ruling of Chief Justice Taney in *Ex parte Merryman*.

For in the last analysis, it is Taney's faith in the rule of law which breathes through the opinion in that case. In proclaiming that faith under such adverse circumstances, he must have been aware that the rule of law is a goal toward which men strive in an imperfect world rather than a present reality.

Whether we accept with Cicero and Aquinas the idea that the law has always existed in a perfect state as a brooding omnipresence in the sky (to borrow Mr. Justice Holmes' vivid phrase) or whether we follow the anthropologists in thinking of the law as an evolving concept developing from primitive origins, we must all agree, I think, that it responds to one of man's deepest urges, his instinctive desire for justice.

Again the religious analogy presses strongly for attention. The struggle of man in a material world to attain the life of the spirit is very similar to his effort to bring about the rule of law. In both cases he has available to his needs a discipline which harnesses reason and the emotions to work together for the desired objective. But just as the ardent seeker after the religious life sometimes finds that our churches fall grievously short of their aim, so the true advocate of the rule of law frequently finds it hard to discover in our legal institutions all that is needful to bring about the desired result. Our courts like our temples sometimes need to be cleansed of the money changers, our judges like our high priests occasionally display human frailty, and our legal system like our ecclesiastical organizations periodically seems to need renovation.

Again, just as men find it difficult to accept in their daily lives the simple requisites for spiritual living, so do they appear to find it difficult to make those sacrifices without which the rule of law can never be a reality. When, for example, as recently happened, a committee of the Maryland Bar Association unanimously recommends that the United States decline to submit to judicial determination disputes arising under our treaties with Panama, one is irresistibly reminded of the rich young man in the gospel who went his way sorrowing. In both cases there is a lack of faith without which the goal cannot be achieved.

In justification it may be suggested that there has never been a time when it was harder to trust in the efficacy of the rule of law. Yet I believe that if we but look for them, we can find evidences that there is more basis for this trust than one would suppose from a reading of the daily papers. I hold in my hand an issue of the *Journal of the International Commission of Jurists* which contains what I believe to be one of the most significant documents of our times. It is the so-called Declaration of Delhi issued at New Delhi in January, 1959 by the

International Congress of Jurists. This Congress consisted of 185 judges, practicing lawyers, and teachers of law from 53 countries who met to discuss the rule of law and the administration of justice throughout the world. Among their number were judges of the highest courts, presidents of national bar associations, and other recognized leaders of the profession. This Congress agreed unanimously on a set of conclusions which in their view embodied the essentials of the rule of law. I wish that time permitted me to read every word of that declaration to you. It is a noble document breathing the spirit of what we in our somewhat parochial way tend to think of as Anglo-American justice. On point after point there is stated with clarity and force principles both substantive and procedural which if adhered to could not but lead to a world in which the decision of disputes by the exercise of naked power would be unthinkable.

Granted that the views of a few lawyer's do not necessarily control the conduct of governments, we can nevertheless say that here as in *Ex parte Merryman*, only on a far wider basis, embracing most of the leading nations of the world and many of the emerging states of Asia and Africa, is a ringing declaration which in our century has as much significance as the noble words of Sir Edward Coke read to you by Mr. Lewis or as Chief Justice Taney's great opinion in *Ex parte Merryman*. So long as we have brethren in all these lands who subscribe to this basic creed we need not say with Sir Edward Grey that the lights are going out all over the world. While they may flicker at times and even be temporarily extinguished here and there, they are still burning in more places and with a brighter flame than at any previous time in the history of mankind. And so we may still dare to hope that the time will yet come when the rule of law becomes something more than just the lawyer's dream.

RESPONSE OF JUDGE W. CALVIN CHESNUT

It was a happy thought by Chief Judge Thomsen to note the significance of Law Day by remembering one of the most important historical orders of this Court. Just one hundred years ago Chief Justice Taney, presiding in the United States Circuit Court for Maryland, signed a *habeas corpus* order

directed to General Cadwalader at Ft. McHenry to bring into court John Merryman, then held in custody. The Court is indebted today for the excellent and eloquent recounting of this proceeding by Mr. Lewis and Mr. William L. Marbury.

As Chief Justice of the Supreme Court of the United States, Taney frequently presided here in the Circuit Court, the whole jurisdiction of which in 1912 was transferred to the District Court, which, with the Supreme Court, have been the only federal courts continuous since 1789. The Circuit Court was situated in what was then called the new Masonic Temple on the east side of St. Paul Street just north of Fayette, where it had been housed since 1822. Of course, as we all know, that building no longer stands but has been superseded by the architecturally beautiful State Court House.

The occasion today furnishes a double opportunity for the members of the District Court. First, all of the present members of the Court wish to express their deep appreciation and respect for the judicial services of Roger Brooke Taney, the most illustrious member of this Court; and secondly, to make some present appropriate comment regarding the nature and function, past and present, of the great writ of *habeas corpus*.

Maryland has not been unmindful of the career of the great Chief Justice. Many years ago an interesting biography of him was published by Bernard C. Steiner, one time Librarian of the Enoch Pratt Free Library, and more recently a more extended and definitive biography has been published by Dr. Carl B. Swisher of the Johns Hopkins University. A statue of Taney by the sculptor Rinehart, showing a seated figure in judicial robe, occupies a prominent place in front of the State Capitol at Annapolis and a replica of the statue, even more familiar to Baltimoreans, faces the Washington Monument in Washington Square.

We are told that Severn Teackle Wallis in his address at the unveiling of the Annapolis statue, described it as “ The figure has been treated by the artist in the spirit of that noble and absolute simplicity which is the type of the highest order of greatness.”

It is quite impossible to overvalue the writ of *habeas corpus* enacted by the British Parliament in 1679, in consequence of an arbitrary and unlawful imprisonment by the King of a simple citizen. It has served its great purpose in the cause of

individual human liberty for nearly 300 years. Blackstone praised it as a second Magna Charta. The statute was in force in Maryland before the American Revolution and was given constitutional stature in the Federal Constitution of 1789 which provided that for federal law it should not be suspended except in time of rebellion or invasion. And by the 14th section of the first Judiciary Act of 1789 the power to issue it, in proper cases, was conferred upon federal judges. It is the most incisive legal surgical tool in the armory of the courts. Like many other most useful writs, it is of course capable of abuse, as we know in present common practice in this court, by irresponsible petitioners; but despite that, it should forever be retained as an indispensable feature of liberty.

On this occasion it is interesting to note that the use of the writ in the Merryman case was the forerunner in a few years, of two other famous *habeas corpus* cases in the Supreme Court, and it is a curious coincidence only of an alliterative nature, that the name of the petitioner in all three cases began with an "M," and that two of the three arose in Maryland and Mississippi respectively. One case, *Ex parte McCardle*, resulted in the temporary repeal of the right to appeal to the Supreme Court during the Reconstruction Period. The third case arising in Indiana, *Ex parte Milligan*, firmly established the doctrine of Taney's opinion in the Merryman case.

I may add a footnote to what has been so well said by Mr. Lewis about it. Shortly after I came to the Court in 1931 I was interested to personally examine many of the original court papers still then retained by the Clerk of this Court, including particularly the papers in the Merryman case. From that personal examination it is easy to visualize just what occurred. When Gen. Cadwalader's aide, in response to the writ which had been issued by Chief Justice Taney, was presented and the statement was made that Gen. Cadwalader refused on orders of President Lincoln to present Merryman, Taney reached for a readily accessible yellow pad and immediately, in his own handwriting, wrote the order holding Gen. Cadwalader in contempt for disobedience to the writ of the court. The penmanship was faltering, due to evident physical infirmity, but the wording was precise and positive.

We hope that these proceedings today will be duly transcribed and become one of the records of this Court.

SIDELIGHTS

JACOB ENGELBRECHT: COLLECTOR OF AUTOGRAPH LETTERS (1797-1878)

Edited by W. R. QUINN

Jacob Engelbrecht was born in Frederick, Maryland in 1797. He was the son of Conrad Engelbrecht, a German soldier from Bayreuth, who was taken prisoner at Yorktown and brought to Frederick. There he spent the rest of his life, probably plying his trade as a tailor, which trade his sons apparently learned from him. The elder Engelbrecht married in Frederick a woman also of German descent, by name of Houx. There seems to have been no stigma attached to service with the so-called "Hessian Regiments," and young Jacob Engelbrecht grew up in Frederick as good an American and as proud of his young country as any descendant of one of Washington's soldiers. He went to both German and English schools and all his life kept up the use of German, making occasional German entries in his diary, but reading very little in that language. He heard German frequently on Sunday in the Lutheran Church in Frederick and probably spoke it with his parents and his friends of German descent. He was a prosperous tailor most of his life, although he deserted this trade for a time to become a storekeeper. He had all his life a keen interest in politics, local, state and national, being a strong anti-Federalist, then a Whig, finally a Republican. He held several city offices in Frederick, including a term as Mayor just after the end of the Civil War.

The fact that his father had served in a regiment sent to help the British may have made Jacob Engelbrecht even more outspoken in his patriotism. One of the manifestations of this feeling was his desire to collect autograph letters of the early Presidents and of the Signers of the Declaration of Independence. For some reason he does not mention this hobby in his Diary. Although an unknown young man, he did not hesitate to write to distinguished people. He showed his perseverance in the face of reluctance or refusals to answer on the part of his correspondents. We have no statements as to the number of letters Jacob Engelbrecht collected or tried to collect. Among the papers of some of the distinguished

men to whom he wrote are to be found original letters of request received by them from Engelbrecht and drafts of some of the letters they wrote in reply. Eight original letters to Engelbrecht from eminent men have survived and are in the possession of Mr. Jacob Engelbrecht, great-grand-son of the original Jacob, who has kindly permitted their publication.¹

Engelbrecht made his first effort in the direction of Thomas Jefferson with a characteristic letter.

Frederick-Town Md 14th February 1824

Sir

The Subject of my letter will perhaps appear of rather an odd nature, but their² being persons of many difrent notions in the world, and mine being of a peculiar cast. I do hope you will favour me with my request.

I mearly wish a letter from you in your own hand writing, which I wish to frame after your death, which I wish to preserve in honour of you,—as to the Subject matter. it may be what ever you think proper. moral, Religious, or Political,

I hope Sir, you will favour me with the Little request, as it will be of Great pleasure, to me, and of very little trouble or inconvenience to you.—please let Space Sufficient at the margin to frame it,

Respectfully I. am. your
most Obe^t Humble Serv^t
Jacob Engelbrecht

The Hon^{ble} Tho^s Jefferson.
Monticello Va

Mr. Jefferson replied very promptly, with the following very courteous letter.

Monticello Feb. 25. 24.

Sir

The kindness of the motive which led to the request of your letter of

¹ I am greatly indebted also to the following: to Mr. L. H. Butterfield, Editor in Chief of The Adams Papers, for permission to summarize three letters in their collection; to Mr. Whitfield J. Bell, Associate Editor of The Papers of Benjamin Franklin; to Mr. Francis L. Berkeley Jr., Associate Librarian of the University of Virginia Alderman Library; to Mr. Donald O. Dewey, Assistant Editor of The Papers of James Madison for helpful suggestions concerning the publishing of letters; above all, to Miss Josephine Etchison, Librarian of the C. Burr Artz Library, Frederick, Md., where the Engelbrecht letters are on deposit. Miss Etchison's never-failing courtesy and cheerfulness have greatly facilitated my task. To the best of my knowledge, none of these letters has been published before.

² The original spelling and punctuation have been kept in all cases. *Sic* has been used only in cases where there might seem to be a typographical error. This letter is found in the Library of Congress, Manuscript Division, The Jefferson Papers, Engelbrecht to Jefferson, February 14, 1824.

the 14th inst. and which would give some value to an article from me, renders compliance a duty of gratitude. knowing nothing more moral. more sublime, more worthy of your preservation, than David's description of the good man in his 15th psalm I will here transcribe it, from Brady and Tate's version.³

Lord, who's the happy man that may To thy blest courts repair;
Not, stranger-like, to visit them. But to inhabit there?
'Tis he whose every thought and deed by rules of Virtue moves;
Whose generous tongue disdains to speak The thing his heart disproves.
Who never did a slander forge His neighbor's fame to wound;
Nor hearken to a false report. By malice whispered round.
Who vice, in all it's pomp and power, Can treat with just neglect;
And piety, tho' cloathed in rags, Religiously respect.
Who to his plighted vows and trust Has ever firmly stood;
And tho' he promise to his loss, He makes his promise good.
Whose soul in usury disdains His treasure to employ;
Whom no rewards can ever bribe The guiltless to destroy.
The man who by this steady course Has happiness ensured,
When earth's foundation shakes, shall stand by providence secured.

Accept this as a testimony of my respect for your request, an acknowledgement [*sic*] of a due sense of the favor of your opinion, and an assurance of my good will and best wishes.

Th. Jefferson

For some reason or other, the collector does not seem to have thanked the great man immediately for his kindness. Later on in the year, Engelbrecht decided he would try his luck again and write to Mr. Jefferson, to ask if he had any letters with which he could part, from various other important people, as he put it, "the Hand writings of the Great and good, Washington, Hancock, Franklin and Thompson."⁴ Perhaps Jefferson was not pleased at the reference to his "declining days" and forthcoming death. In any case, he does not seem to have answered the letter, for none of the items requested is to be found in the Engelbrecht collection, nor an answer to the request.

In the meantime, Engelbrecht had struck out in another direction, by writing to John Adams. This letter is very similar to the first one he wrote to Jefferson. He waited several months, then receiving no answer from Adams, he wrote again. This time he

³ Nahum Tate and N. Brady, *A New Version of the Psalms of David Fitted to the Times* . . . (London, 1711). The Library of Congress lists three other eighteenth century editions, two of them printed in Boston. The original manuscript of this letter is in the C. Burr Artz Library, Frederick, Md. The version in the Jefferson Papers in the Library of Congress is slightly different.

⁴ Probably Charles Thomson (1729-1824) Secretary to the Continental Congress.

reminded the elderly statesman that "ere long it will be forever too late" and sent him a copy of the letter he had received from Jefferson. He also called to his attention that he, Jefferson and Carroll were the only surviving signers of the Declaration of Independence.

Despite the somewhat tactless reference to his forthcoming demise, Adams must have been touched by the evident earnestness of the young man and was moved perhaps by the example of his illustrious friend Jefferson. He replied within a week, showing why he had not written before, since his secretary had to write the letter, Adams being unable to do more than sign it.⁵ He apologized for his inability to write, thanked him for the copy of Jefferson's letter and agreed with the latter in his praise of the Psalms, either in English prose translation or in the Tate and Brady version or in that of Steinhold and Hopkins.⁶ He felt that the Psalms were superior to anything that the ancient world had to offer, mentioning Homer, Hesiod and what he called the "romances of Bacchus, in the Dyonisiacs and of Hercules in the Heracleid," by which he probably meant the body of mythology connected with these two. He must have had his tongue in his cheek when he quoted, as the best thing he could think of, the first four lines, in Latin, of Horace's ode on the just and steadfast man.⁷ He admitted that it was pedantic to do so, calling the letter "the effusion of bewildered old age."⁸

Jacob Engelbrecht next apparently wrote to Charles Carroll of Carrollton, probably in August, 1824. Carroll replied with a letter which is modest in tone:

Doughoregan 1st Sep^r 1824

Sir

In compliance with the request of your letter of the 30th past I answer it, lest my silence might be considered a disrespect. I have not leisure to write an essay on morality or politics, and if I had, mine would not be worth your perusal: if you derive amusement and instruction from essays on those important subjects I refer you to many in print much superior to any I can compose; such essays I wish the citizens of these States would frequently read and meditate seriously on the sound prin-

⁵ This letter is found in original manuscript in the Artz Library.

⁶ Thomas Sternhold, *Whole Book of Psalms collected into English meeter* . . . (London, 1641).

⁷ *Odes*, III, 3, 1-4. The last line is incomplete.

⁸ All three of the Adams-Engelbrecht letters are found in the Adams Microfilms, Manuscript Division, Library of Congress, and are summarized through the courtesy of the Adams Manuscript Trust, whose policy restricts publication in toto.

ciples and useful lessons they inculcate, to be convinced that morality founded on religion is the surest preservative of a free government, and especially to regulate their conduct by that conviction.

I return you my thanks for your benevolent wishes for my health prosperity & Immortality beyond the grave and remain with respect

Sir yr most hum. Servant

Charles Carroll of Carrollton ⁹

His next letter was to Bushrod Washington, nephew of the first President and then a Judge of the Supreme Court. By this means he secured two autograph letters. The answer from Bushrod Washington was as follows:

Mount Vernon Jan'y 4, 1825

Sir

I have complied with so many requests similar to the one contained in your letter of the 27th ult^o that it was only after a long Search that I was enabled to procure for you the enclosed which was addressed by the General to me the year before he died

I am Sir

yr mo. ob. Serv^t

Bush. Washington

The enclosed autograph letter, of George Washington to Bushrod Washington, is as follows:

Mount Vernon April 8th 1799

My dear Sir,

When you were here, on your return from Philadelphia, you said if I did not misunderstand you, that you were unable in all Philadelphia, to get a copy of the Federalist.—

In overhauling and [assorting] my Books Since, I found two sets,—one of which I make you a present of,—and Colo^l Ball affords a favourable opportunity of forwarding the Volume to you.—

How is the Election (to Congress) in your District likely to be terminated?—and what your prospects of Federal characters to the State Legislature?—Drop me a line on these subjects by the Post.

The family here is as well as usual and unite in best wishes for you, Mrs Washington & our friends at Bushfield [?] with

Your affect^o Uncle

G Washington ¹⁰

In his first letter to Madison, Engelbrecht backed up his request by noting that he had already received letters written by former

⁹ The original manuscript is in the Artz Library, Frederick, Md.

¹⁰ The two Washington letters are found in manuscript in the Artz Library.

presidents Washington, Adams and Jefferson. Because of a mistake made by Madison in his reply, the correspondence continued making a series of eight letters in all, four on each side.¹¹

Madison took his time in replying, some six weeks, but he did reply.

Montpellier Oct 20 1825

Dear Sir

Your letter of Sept 5. was received several weeks ago but particular engagements have prevented an earlier attention to it. Tho the request it makes is a little singular, a compliance with it seems due to the motives which prompted it.

As your object is to preserve for public view. the letter you wish me to write, it ought to contain something worthy of such a purpose. To give it more of this character, than it might otherwise have I transcribe a page in the hand writing of Doctor Franklin, prefixed to a copy of John Bartrams Travels which was purchased many years ago in a bundle of pamphlets, and sold at auction. This little poetic effusion does not probably exist elsewhere; and it merits preservation, as well on account of its author, as of its moral improvement on the original ode.

' Given by the author to his Friend B Franklin
Horace. Ode 22. Lib. 1. Integer vitae. &c

Imitated

Whose life is upwright. innocent & harmless
Needs not O Bartram arm himself with weapons
Useless to him, the sword, the venomd shaft, or
murderous musket.

Thus when thou'rt journeying towards wild Onandago
O'er pathless mountains. Nature's Works exploring
or thro' vast Plains where rolls his mighty waters
Famed Mississippi;

Should the fierce She Bear. or the famished Wildcat,
Or yet more fierce & wild, the Savage Indian,
Meet thee, God praising, & his works adoring,
Instant they'd fly thee.

Tho' now to piercing frosts, now scorching Sunbeams,
Now to unwholesome Frogs, tho' thou'rt exposed,
Thy Guardian Angel, Innocence, shall keep thee
Safe from all Danger.'

¹¹ Madison's mistake is explained in an interesting article by Whitfield J. Bell and Ralph L. Ketcham: "A Tribute to John Bartram, With a Note on Jacob Engelbrecht," in the *Pennsylvania Magazine of History and Biography* LXXXIII (1959), 446-51. Actually it was this article which put the present writer on the trail of Jacob Engelbrecht's manuscript collection.

The correspondence would normally have ended here, but a second letter shows why it was necessary to continue the exchange.

Montpellier June 20, 1827

Dear Sir

On a critical re-examination to which I was just led. of the appearances on which my letter of Oct 20. 1825. ascribed the poetical effusion copied from a page in Bartrams pamphlet, to Doctor Franklin. I find that I may have committed an error in the case. by hastily applying the word "Given"—to the pamphlet when it was meant for the poetry, and by mistaking for the handwriting of the Doctor, what was only a remarkable likeness of it, You will be sensible that the least uncertainty on this point ought, for obvious reasons, to have the effect of cancelling my communication to you. I must ask the favour of you therefore to return me the paper containing it, on receiving which I will substitute some other communication answering the purpose of your original request. I need not add that that the propriety of guarding agst contingences suggests that of the earliest answer from you.

With friendly respects ¹¹

James Madison

Englebrecht hastened to answer it on the day it was received:

Frederick town. Maryland. June 25th 1827.

Respected Sir,

your letter of the 20th Inst. came to hand this afternoon, and I hasten to comply with your request, wishing only to add, that, as our national anniversary is nearly at hand, I would most respectfully Suggest the propriety of writing your letter on that day, which would certainly add much to its Value,

Please accept the assurance
of my profound respect
and Esteem,

Jacob Engelbrecht

James Madison Esq^r
Montpellier, Va

Receiving no answer, Jacob Engelbrecht wrote Madison again in October of the same year, reminding him of his promise:

Frederick town, Maryland Oct^r 12th 1827.

Respected Sir,

On the 20th of June last, you favored me with a letter, Stating that in your letter to me, of the 20th of Oct^r 1825. you had committed an error. which ought. for obvious reasons be corrected,—and you requested me to return you that letter, and on receiving which, you would Substitute Some other Communication, answering my original request,

On the reception of your letter, which was on the 25th of June, I immediately complied with your request, which I hope, has come Safe to hand,

As more than three months have elapsed Since my letter, I would with due deference beg the fulfilment of your promise,

Please excuse my entreaty and believe me that your compliance will be duly appreciated

by your Obedient and very
Humble Servant,
Jacob Engelbrecht

James Madison Esq^r
Montpellier
Va

This letter brought a prompt reply from Madison:

Montpellier Oct 17. 1827

Dear Sir

I have duly rec^d your letter of the 12th instant, I had not forgotten my promise, and had made the provision for it now inclosed. But wishing to substitute for the abstract used, a little Apologue which I would have preferred, more delay has been occasioned by my unsuccessful endeavors to obtain it than I foresaw. That you may be no longer disappointed I forward what I had first prepared. Drop me a line that it has not miscarried

With friendly respects
James Madison ¹⁶

The above letter brought enclosed with it the long-sought letter which Engelbrecht wanted so badly and which he was finally to have:

Montpellier July 4. 1827

Dear Sir

Though the request your letter makes be a little singular, a compliance with it seems due to the motive which prompted it, and a short autographic extract is accordingly subjoined

Charters

In Europe, charters of liberty have been granted by Power. America has set the example of Charters of power, granted by Liberty. This revolution in the practice of the world may, with an honest praise, be pronounced the most triumphant Epoch in its history, and the most consoling presage of its happiness. We look back already with astonishment at the daring outrages committed by despotism on the reason and the rights of man we look forward with joy to the period, when it shall be despoiled of all its usurpations, and bound forever in the chains with which it had loaded its miserable victims.

In proportion to the value of this revolution; in proportion to the importance of Instruments, every word of which decides a question [sic] power and liberty; in proportion to the Solemnity of Acts proclaiming the will, and authenticated by the Seal of the people, ought to be the vigilance with which they are guarded by every citizen in private life, and the circumspection with which they are executed by every citizen in public trust.

As compacts, charters of Government are superior in obligation to all others, because they give effect to all others; As trusts, none can be more sacred, because they are bound on the conscience by the religious sanctions of an oath; As metes and bournes of Government, they transcend all other landmarks, because every public usurpation [is an en]croachment on the private right, not of one, but of all.

The Citizens of the United States have peculiar motives to support the energy of Constitutional Charters.

Having originated the experiment, their merit will be estimated by its success.

Being Republicans. they must be anxious to establish the efficacy of popular Charters, in defending liberty against power, and power against licentiousnes and in keeping every portion of power within its proper limits

With friendly respects

James Madison ¹²

Jacob Engelbrecht

The series ends with a flowery letter of thanks from Engelbrecht for Madison's last letter, dated July 4, 1827, but really written in October of that year.¹³

Engelbrecht contributed a collection of "autographs" to an exhibition of "relics" which was part of the celebration in Frederick of the one hundredth anniversary of the Declaration of Independence. The letters published here may have been on display.¹⁴

¹² Mr. Donald O. Dewey has kindly informed me that this is part of one of twenty or more essays which Madison wrote for Philip Freneau's *National Gazette* and that it appeared in the number of December 31, 1792.

¹³ All eight of the Madison-Engelbrecht letters are found in the Madison Papers of the Manuscript Division of the Library of Congress. Three originals, June 20, July 4 and October 17, 1827 are on deposit in the Burr Artz Library in Frederick, Md.

¹⁴ A pamphlet, *The Centennial Celebration, in Frederick County, Md., on June 28th, 1876* (Frederick, Md., 1879, p. 55), lists the contributions of "various parties" in the Exhibition. It is not clear whether all the "autographs" were letters. Some may have been signatures only. The pamphlet says that Engelbrecht contributed letters of John Hancock, Lewis Cass, Charles Sumner, Braxton Bragg, Henry Clay, Samuel Houston and Stephen A. Douglass. Curiously, this list does not include the writers of the letters published above. On the other hand, letters from four out of five of these persons are mentioned as contributed by "various parties," together with three others which did not

In his second letter to Jefferson, Engelbrecht wrote that his purpose in collecting letters was "to perpetuate the recollection of the Struggle for Independence, by viewing at a glance, as it were, the *Hand Writings* of those Patriots by whose valour, we now enjoy our happy Constitution." The one letter he received from Jefferson, he annotated as follows: "This letter I received . . . from the Hon. Thomas Jefferson . . . President of the United States from the 4th of March 1801 till the 4th of march 1809. I received it for the Express purpose of framing and preserving in honour of him. I therefore request posterity, whoever they may be, to preserve it 'inviolable' to its last vestige." On his letter from Charles Carroll he noted that "Neither of these letters [from Jefferson, Adams and Carroll] are to be Exposed or hung up, until after the death of Thomas Jefferson, John Adams, & Charles Carroll of Carrollton. I promised these Gentleman, that they should not be publicly exposed, I therefore enjoin it on him in whose hads [hands] they may be to pay strict attention to this particular." There is no sign that any of the letters was ever framed or given special care. However, posterity fulfilled his wishes, at least insofar as the above letters are concerned.

figure in this article, Charles Thomson, John Jay and De Witt Clinton. It seems likely that Engelbrecht's collection formed the basis, if not the bulk, of the Centennial exhibit, but the description is far from clear.

REVIEWS OF RECENT BOOKS

A Survey of the Roads of the United States of America, 1789, by Christopher Colles. Edited by WALTER W. RISTOW. Cambridge: Harvard University Press, 1961. xii, 227. \$7.50.

To students of American history, one of the most interesting publishing ventures in recent years has been the John Harvard Library Series of the Harvard University Press. This series, designed to "make significant books and documents from the American past available once more to scholars and the general public," has reprinted works ranging from Louisa Alcott's *Hospital Sketches* to Ignatius Donnelly's *Caesar's Column* to Charles Finney's *Lectures on Revivals of Religion*. The latest in the series, *A Survey of the Roads of the United States of America, 1789*, by Christopher Colles presents the first road guide published in this country. Little known because of the scarcity of available copies, the maps of the *Survey* are now reproduced for the first time accompanied by a detailed introduction about Colles and his work as well as bibliographies and indexes to facilitate use of the maps.

Christopher Colles, inventor, engineer, and perennial visionary, came to America from Dublin at the age of 32 in 1771 to begin a hard luck story that lasted until his death in 1816. The editor of this volume describes Colles as "one of those hapless individuals upon whom fate plays unkind tricks." Whether fate, the times, or the man was responsible, Colles' life was a succession of projects grandly conceived but seldom accomplished. His restless mind produced a constant flow of plans—for a public water supply for New York City, for an extensive inland canal system built of timber above ground, for a semaphoric telegraph network along the Atlantic and Gulf Coasts. These found little public support and brought no financial return during Colles' lifetime and it was only after his death that many of his projects were achieved by others.

It was probably cartographic experience during the Revolution that led Colles to conceive the plan of mapping the major roads of the United States. In 1789 he solicited subscriptions for his work and during the next two years published the 83 small maps that comprise the *Survey*. These maps, covering roads from Albany to Yorktown, are of the strip type familiar alike to medieval pilgrims

and modern AAA members. They appear on a page with no attempt at overall location save for a directional arrow, but an index map on the back cover which locates each strip in its proper place along the seaboard makes it possible for the modern reader to locate the strips easily. On the maps hachures gives some rough idea of the contour of the land immediately surrounding the roads; rivers, crossroads, towns, and ferries are shown and named; and symbols indicate mills, taverns, Episcopal and Presbyterian churches, and the "service stations of the 18th century," the blacksmith shops.

In his Introduction to the *Survey*, Walter W. Ristow, Assistant Chief of the Map Division at the Library of Congress, has not only written an exhaustive life of Colles but has discussed at length the way in which the *Survey* was put together. Colles himself had done some mapping in New York and New Jersey with the help of a perambulator, a machine that recorded the revolutions of a large wheel pushed along a road. The southern sections of the *Survey*, however, are shown by Mr. Ristow to have been based on the Erskine-DeWitt maps prepared for Washington's use during the Revolution and afterward deposited with the War Department where, apparently, Colles managed to get access to them for his own purposes. The way in which Colles changed the format of these maps to suit the needs of the *Survey* is one of the most interesting sections of the editor's analysis and description of the *Survey*.

Colles' *Survey* was not a success in its own time, but it has much to tell modern readers about the transportation and certain aspects of the social history of the United States in the post-Revolutionary period. This handsome edition with its careful editing, profuse illustrations, and clear facsimiles of the maps does more than justice to Colles' labors.

RHODA M. DORSEY

Goucher College

Indians in Pennsylvania. By PAUL A. W. WALLACE. Harrisburg: The Pennsylvania Historical and Museum Commission, 1961. xiii, 194. \$1.50.

The Wallaces, *père et fils*, have made notable contributions to Pennsylvania ethno-history, and this compact volume by the senior Wallace is a synthesis of data from their separate writings augmented by additional material from both contemporary and modern sources.

The author recounts that in the 17th century four Indian peoples lived in Pennsylvania: the Delaware (Lenni Lenape), Susquehannock, Erie, and the Monongahela folk. A fifth, important in the state's history but living outside its bounds, were the Five Nation Iroquois. Each is separately discussed, with nine chapters devoted to the Delaware Indians, their physical appearance and dress, houses, occupations, travel, warfare, government, life cycle, religion, and amusements. There is also a chapter on the Indian refugees who settled temporarily in Pennsylvania: the Conoy and Nanticoke (from Maryland), Tuscarora and Tutelo (from the south), with a separate chapter on the Shawnee, the famed fighters of Pennsylvania's French and Indian Wars. Dr. Wallace believes the Shawnee probably originated in the Ohio Valley, and two separate movements brought them into Pennsylvania, one from the west and another via Cecil County, Maryland.

The book belongs in every school in the commonwealth; it is the first reliable account written specifically for the general reader which brings into perspective the part each tribe of Indians played, and treats accurately of their vastly different customs. An Appendix gives biographical sketches of 36 important Indians. There are a number of interesting and authentic sketches by William Rohrbach, and seven maps illustrating Indian paths, refugee movements, land cessions, and Indian distribution in Pennsylvania from 1600 to 1774.

Other states, including Maryland, would profit if historians with Dr. Wallace's knowledge and sympathetic understanding of the Indians could be persuaded to undertake similar handbooks.

C. A. WESLAGER

Hockessin, Delaware

Alexander Hamilton's Pay Book. Edited by E. P. PANAGOPOULOS.
Detroit: Wayne State University Press, 1961. xii, 123. \$3.

After his appointment in 1776 as Captain of the Artillery Company of New York Alexander Hamilton acquired a Company "Pay Book." Between then, apparently, and perhaps 1779, he entered on the blank pages thereof excerpts from various books he managed to read. While scholars have long known of the existence of the Pay Book in the Library of Congress, and have made use of it, Professor Panagopoulos here gives us a verbatim transcription (with some omissions; see p. 68), an account of its "origins and back-

ground," and an essay on the "philosophical premises of Hamilton's thought" to boot.

Professor Panagopoulos' emphasis on the importance of Malachy Postlethwayt's *Universal Dictionary of Trade and Commerce* as a source for some of Hamilton's economic data serves a useful purpose. So too does his recalling to our attention the earliness of Hamilton's concern with public questions. All such evidence will gladden those who may be inclined to dissent from Professor Adrienne Koch's recent caveat (in *Power, Morals, and the Founding Fathers*) to the effect that Hamilton's "all-consuming passion for power" exhausts the goads that drove him. Professor Panagopoulos' essay, on the other hand, provides somewhat less justification for calling Hamilton a philosopher than do Professor Koch's strenuous efforts over the years to fit that mantle on Jefferson.

STUART BRUCHEY

Michigan State University

The First South. By JOHN RICHARD ALDEN. Baton Rouge: Louisiana State University Press, 1961. vii, 144. \$3.50.

In 1960 Professor John Richard Alden of Duke University delivered The Walter Lynwood Fleming Lectures in Southern History at Louisiana State University. He has presented them in *The First South* "substantially in the form they were given," the chapters of the book being as follows: I. "The First South"; II. "Sectional Struggles in the Continental Congress"; III. "The South and the Making of the Constitution"; IV. "The South Ratifies the Constitution" and V. "Aftermath."

The materials which the author used for the Lectures are neither new nor hitherto unknown. Instead, what he has sought to do and with success is to formulate "a new concept derived from examination of documents mostly available in print." The South dealt with here is older than the Old South, which met its demise in the Civil War. The First South—a term of convenience coined by the author—embraced the period from the outbreak of the American Revolution to the establishment of the Federal Government in 1789. "It appeared," notes Dr. Alden, "with the American nation; it was christened as early as 1778; and it clashed ever more sharply with a First North during and immediately after the War of Independence. This First South did not hasten under the Federal Roof with swift and certain steps, but haltingly and uncertainly."

Southern sectionalism and the regional apprehensions stemming from it were a reality in the years of our birth and infancy as an independent nation, as Professor Alden has made clear in this provocative monograph, which will attract both the general reader and the professional historian.

WILLIAM LLOYD FOX

Montgomery Junior College

The Right of Assembly and Association. By GLENN ABERNATHY.
Columbia: University of South Carolina Press, 1961. vi, 263.
\$6.25.

In *The Right of Assembly and Association*, Dr. Abernathy has provided a readable, well-documented, comprehensive and balanced analysis of the significance of the rights of assembly and association, the problems which exercise of these rights may evoke, and the restraints which have been imposed upon them, in history and at the present time. Certainly no serious student in the area of civil rights should be without this book, for in addition to thoughtful analysis, the book contains a mine of information, presented compactly and understandably.

In a first chapter entitled "The Approach," Dr. Abernathy makes clear that although he accepts the necessity of restraint upon individual rights in the interest of society, "the danger is that an excess of restraint . . . may start an irreversible reaction away from the democratic form." (P. 6) An extremely limited application of censorship might be sufficient to cut off all expression of opposition political opinion. While normally it is possible to apply corrective measures if the society moves too far in the direction of removing restraints, there may be no feasible means of redressing the balance if society imposes too many restraints. The existence of mass communications media cannot be counted as a suitable replacement for assembly and association, for only a few speakers are interested simply in directing a particular message to as many listeners as possible; most want to "influence opinion, stimulate thought, incite to action, or spur the listener to affiliate himself with the speaker and try to gain other adherents to the cause." (P. 7) For these purposes, the meeting, with its exchange of ideas, its free flow of questions and answers, is best suited.

The next six chapters deal with the law governing the right of assembly. Dr. Abernathy moves from a discussion of the debate in the first Congress on the Bill of Rights to the principal Supreme

Court decisions dealing with restraints. Then in four chapters he outlines areas of restraint, proceeding from the most easily justified to the borderline cases, from restrictions upon unlawful assemblies to restrictions upon assemblies in the public streets, upon street parades and processions, and finally upon assemblies in the public parks. The concluding chapter dealing with the right of assembly is given over to the extent of federal protection of the right, with the assertion being made that the application of criminal sanctions to negligent or prejudiced officials is the area within which federal action is most likely to develop.

A similar treatment is given to the right of association. In his final paragraph, Dr. Abernathy states: "The right of assembly has long been considered to be merely an adjunct to the right of speech. With the increasing emphasis on the right of association as a cognate to the right of assembly, it appears that this least-discussed of the First Amendment rights is at last acquiring an independent status. Not only the historical evidence, . . . but also the findings of political scientists, psychologists, and sociologists, . . . give increased recognition to the vital role of assemblies and associations in society. It can be anticipated that the law as well will come to reflect this recognition." (P. 252)

There is a very useful list of selected references, an index of cases, and a subject index.

VALERIE A. EARLE

Georgetown University

Mississippi in the Confederacy. Edited by JOHN K. BETTERSORTH and JAMES W. SILVER. Volume I, *As They Saw It*; Volume II, *As Seen in Retrospect*. Baton Rouge: Louisiana State University Press for the Mississippi Department of Archives and History, 1961. Pp. xxxii, 362; xx, 319. Illustrations, maps. \$10.

Literary works are measured against many criteria; and one of these is unity—either thematic unity, unity of place, or unity of time. The authors Bettersworth and Silver have achieved unity of time in their volumes by sharply separating contemporary from post-war writings. The first volume has the value of immediacy, "written so close to the scene that there was no time-perspective to tidy them up, no aura of memory to prettify and romanticize the horrors. . . ." The second volume falls victim to these hazards, although the writing is more palatable. Disputations, cutely

humorous, and soggy sentimental writings are found interspersed in the second volume.

In regard to unity of place, both volumes have as their focal point the state of Mississippi. Yet, this leads the authors into problems, for how far did Mississippi extend—to the Tennessee border or to the tip of a Mississippi private's muzzle in Pennsylvania? The scope of the work is as uneven as the quality of the writing. Vicksburg receives its share of attention, Jones County receives far more than its share, and the campaigns of Mississippi's manhood in the Army of Tennessee, particularly, are subordinated. Unpleasant episodes, like that following the Vicksburg disaster, when the state and her people became a liability to the Confederacy, are virtually overlooked. Much of this is due to the emphasis that the authors give to economic and social conditions. Considerable attention is given to education, for instance.

As for thematic unity this work, like most anthologies, brings forth the old pattern of high hopes, tensions which prove irresistible, and final collapse and despair. The heroism and sacrifice of the people, however, ultimately rise above the chorus of bickering, boasting, and boredom.

Although many of the sources used are standard ones: *DeBows*, Russell, Olmstead, and Rowland's *Davis*, there are many manuscripts used. Bettersworth makes particularly good use of the long neglected Governor and General Pettus papers.

It is to be regretted that the set lacks both a bibliography and an index.

Perhaps other states will follow Mississippi's example in compiling such an anthology. They probably will learn, however, that interesting writing of quality is thin and that skillful, pruning state historians like Bettersworth in his *Confederate Mississippi* can produce works of greater unity and merit.

N. C. HUGHES, JR.

Bell Buckle, Tenn.

Virginia Railroads in the Civil War. By ANGUS JAMES JOHNSTON, II.
Chapel Hill: Published for The Virginia Historical Society, by
The University of North Carolina Press, 1961. xx, 294. \$6.75.

The story of Virginia in the Civil War is one of unsurpassed valor and sacrifice; of high purpose and ultimate defeat. Situated on the frontier of the divided nation, the state became the major battleground of the war. The first Battle of Manassas was fought,

not too far from Washington, on July 21, 1861; and the Army of Northern Virginia surrendered at Appomattox Court House, not very far from Richmond, on April 9, 1865.

The Civil War was the first "railroad war" in history. And the Confederate Army, in Virginia, was the first to utilize the railroads for their own use, or to attempt to destroy those roads that might be used by the enemy. Thus we find Porterfield raiding the Baltimore & Ohio and the Northwestern Virginia Railroads in May 1861, and Jackson's raid on the Baltimore & Ohio at Harpers Ferry and Martinsburg in April 1861, at which time he not only destroyed the railroad, but carried off locomotives, cars, rail, machinery and other vital railroad equipment so badly needed in the agricultural South. Then, there was Johnston's use of the Manassas Gap Railroad to rush troops from the Shenandoah Valley to win a Confederate victory in the first Battle of Manassas.

The story of the southern railroads, during the war, is a sad one. Most of them were poorly constructed and all of them were lacking in adequate rolling stock. Virginia contained, within its borders, 1345 miles of track, or about 19% of the total southern mileage, including the B. & O. west of Harpers Ferry and the NW. Va. R. R. And, from the very beginning to the end of the war, the railroads of Virginia were used, captured, re-captured, destroyed and rebuilt many times, changing hands between North and South repeatedly.

Finally, crushed under the weight of superior manpower, arms and material resources, the South was defeated. But the little, inadequate railroads, inefficient as they were, hung on desperately to the last; as witness the seven train-loads of food and supplies for Lee's starving and ragged army, which were captured just before the surrender at Appomattox. And, ironically, this food was part of that which General Grant magnanimously gave to the defeated army after the surrender!

Despite their shortcomings, the railroads of Virginia did prolong Confederate resistance. And all of this fascinating story is told in Dr. Johnston's excellent book in a clear, readable style, supported by a wealth of authoritative references and historical data. Every Civil War and Railroad Buff will welcome this volume as a valuable addition to his library.

LAWRENCE W. SAGLE

*B. & O. Railroad
Baltimore, Md.*

James Monroe Smith: Georgia Planter, Before and After Death.

By E. MERTON COULTER. Athens, Georgia: University of Georgia Press, 1961. ix, 294. \$5.

E. Merton Coulter is more than just another "Southern Historian," he is also somewhat of an authority on Southern Agricultural History. Back in 1940 he brought out his interesting account of *Thomas Spalding of Sapelo*, which not only tells the life of Spalding, but also of a strong force in Georgia in favor of scientific and diversified farming. In his new book, *James Monroe Smith: Georgia Planter*, Dr. Coulter tells the story of a millionaire planter in Georgia around the turn of the twentieth century.

Even before the twentieth century began, Colonel Jim Smith had built for himself in northeast Georgia an agrarian empire, known as "Smithonia." His plantation or plantations were not measured in acres but in square miles. He built his own town, had his own churches, schools and medical facilities. Colonel Jim even built his own railroad lines, which connected with the major railways of the State. Not satisfied with being the greatest planter of his day, he made his plantations as self-sufficient as possible. Among his many economic interests, Smith made his own bricks, produced his own cottonseed oil, manufactured fertilizers, and operated his own gin mills. In order to carry out such operations, Colonel Smith had to have a labor force of over a thousand hands. This labor force was often as varied as his industries; including hired laborers, tenants, and state and local convicts.

Needless to say that a man in the Colonel's position was a political power in his region, and that Colonel Smith served in the State Legislature. He also unsuccessfully sought the governor's chair in 1906.

For one interested in the post-Civil War development of the South, and especially agriculture, Dr. Coulter's book is recommended. However, there seem to be two shortcomings: First, the story could have been shortened. Much research has gone into this work but it was not necessary to the story to include facts to the point that there is often repetition. Second, James Monroe Smith does not come to life. This is probably not so much the fault of the author or his style of writing, but that Colonel Smith, the bachelor-king of Smithonia, personally was not as colorful or significant as the material wealth he created.

WILLIAM H. WROTEN, JR.

State Teachers College
Salisbury, Md.

A Catalogue of Portraits and Other Works of Art in the Possession of the American Philosophical Society. By ANNA WELLS RUTLEDGE, CHARLES COLEMAN SELLERS, and the Staff of the Society. Philadelphia: American Philosophical Society, 1961. viii, 173. \$2.50.

The American Philosophical Society by publishing a catalogue of its pictures has further honored those for whom it has in the past, by commissioning their likenesses or accepting them as gifts, shown its admiration. Of the one hundred and ninety-two entries in the catalogue, virtually all are portraits; and, except for twelve of these, all are of members of the Society, largely Philadelphians. Benjamin Franklin, its founder is portrayed in various media no less than thirty-five times, and four times in the fifty-nine reproductions, conspicuously in the sole color plate which serves as frontispiece to the Catalogue. Most outstanding as works of art, however, are Houdon's busts of Condorcet and of Turgot and Sully's paintings of Joel Roberts Poinsett and of Thomas Jefferson in his old age. The concise and interesting descriptions of the works of art and their subjects are based on research by Anna Wells Rutledge who catalogued the portraits in the Maryland Historical Society.

The Philosophical Society's catalogue is not Philadelphia's first literary proof of pride in its past leaders. The University of Pennsylvania in 1940 published a well illustrated description of its larger collection of paintings, mainly of distinguished scholars. Two years later the Pennsylvania Historical Society listed its six hundred and fifteen oil paintings, principally portraits, in a now scarce quarto with sixty plates. The Maryland Historical Society with over five hundred and fifty portraits should undertake a similar publication. By doing so, it would, as Philadelphia has thrice done, accord recognition to eminent citizens of the past, and would inspire in the present and future what no community can live without—and what is sorely needed here—disinterested public leadership.

DOUGLAS GORDON

Baltimore, Md.

Pen Pictures of Early Western Pennsylvania. Edited by JOHN W. HARPSTER. Pittsburgh: The University of Pittsburgh Press, 1961. 337. \$5.

"Pen Pictures" are excerpts from Journals, Diaries, Narratives, Letters, Autobiographies etc. embracing thirty-six authors, commencing with Conrad Weiser, 1748, and culminating with the notes of over two hundred authors whose journals and notes have found their ways through the years into (1) Pennsylvania Colonial Records (16 Vols.) (2) Pennsylvania Archives, First Series 12 Vols. Second Series, first edition 19 Vols. Sixth Series 15 Vols. (3) Early Western Travels 32 Vols. by Reuben G. Thwaites.

The thirty-six excerpts were selected to reveal significant detail to the struggle between the British, Indians, settlers, traders, and the French; also descriptions of travel over primitive mountain roads, and the waterways. There are descriptions of early commerce, the itinerant preacher, frontier life, and the migration westward. The excerpts also provide interesting detail about the taverns along the main routes.

At the conclusion is listed the "Selective Bibliography of Travel and Description in Western Pennsylvania, 1748-1830." There is also an index. Much of this material should be interesting to Marylanders as the routing from the Atlantic coast across the mountains included the Braddock Road, later known as the National Pike (now Rt. 40) through Maryland.

"Pen Pictures" is one of a growing series of scholarly and useful books republished by the University of Pittsburgh Press, Mrs. Agnes Starrett, Editor. This series has been made possible through the Buhl Foundation of Pittsburgh.

FELIX G. ROBINSON

Oakland, Md.

The Keelboat Age on Western Waters. By LELAND D. BALDWIN. Pittsburgh: The University of Pittsburgh Press, 1941; 1961. 268. \$5.

This is a reprint replete with the authentic folklore of the Upper Ohio River and its environs. It is also a technical description of the evolution of water transportation on the Ohio and Mississippi River systems from the primitive Indian bull boat to the modern diesel tugs that push coal and oil in a string of barges.

Of the many craft evolved for the transportation of man and his

goods Prof. Baldwin dwells upon the competence of the Keelboat that was used even after the arrival of the steamboat, especially in the more shallow streams. It was a light, graceful, very maneuverable boat invented by an Amishman.

Other information to be gleaned from this excellent book deals with shipbuilding of various types, including steamboats, on the Monongahela, Youghiogeny, and Ohio Rivers. There is a chapter on the River Pirates and the Natchez Trace, and one on the Art of Navigation that reminds one of Mark Twain's description of this business in "Life On The Mississippi."

FELIX G. ROBINSON

Oakland, Md.

BOOKS RECEIVED

- Follow the Water.* By VARLEY LONG. John F. Blair; Winston-Salem, N. C. 1961. 222. \$4.50.
- Indians in Pennsylvania.* By PAUL A. W. WALLACE. Harrisburg; The Pennsylvania Historical and Museum Commission, 1961. xiii, 194. \$1.50.
- Virginia Railroads in the Civil War.* By ANGUS JAMES JOHNSTON II. Chapel Hill; Published for The Virginia Historical Society by The University of North Carolina Press, 1961. xiv, 336. \$6.
- A Virginia Yankee in the Civil War: The Diaries of David Hunter Strother.* Edited by CECIL D. EBY, JR. Chapel Hill; The University of North Carolina Press, 1961. xx, 294. \$6.75.
- Daniel Morgan Revolutionary Rifleman.* By DON HIGGINBOTHAM. Chapel Hill; The University of North Carolina Press, 1961. ix, 239. \$6. (Published for the Institute of Early American History and Culture at Williamsburg)
- From Shiloh to San Juan: The Life of "Fightin' Joe" Wheeler.* By JOHN P. DYER. Baton Rouge; Louisiana State University Press, 1961. vii, 275. \$5.
- George Washington's Mother.* By ALICE CURTIS DESMOND. New York; Dodd Mead & Co., 1961. xii, 235. \$3.50.
- The Letters of Stephen A. Douglas.* Edited by ROBERT W. JOHANNSEN. Urbana, Ill.; The University of Illinois Press, 1961. xxxi, 558. \$10.
- The Virginia Bishop. A Yankee Hero of the Confederacy.* By JOHN SUMNER WOOD. Richmond; Garrett & Massie, Inc. 1961. xiii, 187. \$3.50.
- America's Polish Heritage: A Social History of the Poles in America.* By JOSEPH A. WYTRWAL. Detroit; Endurance Press, 1961. xxxi, 350. \$6.50.
- Letters of a Civil War Surgeon.* Edited by PAUL FATOUT. West Lafayette, Indiana; Purdue University Studies, 1961. 110. \$2.25.
- Full Many A Name. The Story of Sam Davis.* By MABEL GOODE FRANTZ. Jackson, Tenn.; Confederate House, Publishers. 1961. 143. \$3.95.
- The Poems of Charles Hansford.* Edited by JAMES A. SERVIES and CARL R. DOLMETSCH. (Virginia Historical Society Documents, Vol. I) Chapel Hill; Published for The Virginia Historical Society by The University of North Carolina Press, 1961. xiv, 95. \$5.
- Four Years in the Confederate Artillery. The Diary of Private Henry Robinson Berkeley.* Edited by WILLIAM H. RUNGE. (Virginia Historical Society Documents, Vol. II) Chapel Hill; Published for The Virginia Historical Society by The University of North Carolina Press, 1961. xxv, 156. \$4.

NOTES AND QUERIES

The Jesuit Missions of St. Mary's Co.—In the review in the June issue of this magazine of Edwin Beitzell's book, *The Jesuit Missions of St. Mary's County, Maryland*, it was unfortunately stated that Jesuit churches and schools were *confiscated* during the Protestant revolt in 1689. It should be noted that Mr. Beitzell carefully avoided the use of the word italicized above, but stated that the schools and churches were "closed." He made it clear that the attempt at confiscation was defeated in the Assembly. He recorded that as fact because of his pride in the proven toleration of the Maryland Assembly and of Maryland inhabitants. He showed that toleration was a very deeply imbedded principle in Maryland at that time.

J. WEBSTER JONES
Philadelphia, Pa.

Gen. Lee's Sword—The sword which General Robert E. Lee wore at Appomattox, during the surrender, is said to have been presented to him by a citizen of Maryland. On one side of the blade are the words: "General Robert E. Lee, from a Marylander, 1863"; on the other side: "*Aide toi et Dieu t'aidera.*" Has any reader information which would identify the Marylander who presented General Lee with this sword?

FRANK P. CAUBLE, Research Historian
Appomattox Court House National Historical Park
5905 Hines Circle, Lynchburg, Va.

Matthias Harris of Kent Co.—The undersigned seeks information on the birth dates of the children of Mathias Harris (ca. 1716-1773), son of James and Augustina Vanderhayden Harris of Kent Co., who married (1) Miss Williamson of Calvert Co. by whom he had two daughters, both said to have married Andersons; and (2) Hester Bailey by whom he is said to have had at least five children: James B., Jonathan B., William, Hester (m. Dr. Ridgely),

and another daughter, m. Mr. Carter of Kent Island. Matthias Harris was a member of Maryland Assembly and later an Anglican clergyman serving various parishes on the Eastern Shore.

RALPH L. KETCHAM
The Papers of Benjamin Franklin
Yale University Library
Box 1603 A Yale Station, New Haven, Conn.

Syracuse University MS. Additions—Syracuse University has recently added the following collection of manuscripts, housed in its Carnegie Library: "Onondaga Years" prepared by the Rev. W. Carleton Stevens; letters of the Rev. Wilson G. Cole; the Rev. Byron D. Showers, 1917-1919; the corporate papers of the Unadilla Valley Railway Company; and the papers of the nineteenth century Japanese diplomat, Joseph Heco.

Lewis—I would like to contact anyone with information of Capt. Thomas Lewis, married to Judith Ferguson 1766, Fairfax Co. I want early data of father and grandfather in Prince George's Co., Md.

MRS. ALBERT VIDAL
1026 S. W. 2nd Ave., Gainesville, Fla.

Rogers—I am seeking information on James L. Rogers, who was married to Elizabeth Susan Gould, daughter of Alexander Gould, Sr. James L. Rogers was reputed to have been related to Edgar Allan Poe. I would also like to hear from any descendents of Alexander Gould, Sr.

L. R. COLBURN
106 Heather Lane, Delray Beach, Fla.

Bolling—A genealogy of this family is in the course of preparation. Information is desired regarding all descendants of Robert Bolling (1646-1709), the immigrant of 1660 to Virginia, by marriages to both (1) Jane Rolfe (granddaughter of Pocahontas) and (2) Anne Stith.

COLIN JAMES
636 Gaylord St., Denver 6, Colo.

Rion—I want the ancestor of Jane Rion (Jennie Rhine). She married Jacob Moler of Harper's Ferry, who died 1804. She died 1826. Their children were: John Darby, Charles, Adam, Henry, Nellie Anna, Jacob, Ellen, Lydia, Elizabeth, and probably others; all born at Harper's Ferry, Va. (now W. Va.). Have data to exchange.

Pancoast—\$20.00 reward for first person to submit proof of the names of William Harding Pancoast's parents, birthplace and dates. He was born in Maryland in 1793 and died in Knox Co. Ohio, in 1826. He married 1815 Lydia Barnett Noler of Harper's Ferry and had: Jacob Manuel, b. 1818, Savage Mts., Md., m. Charity Cray, 1843, Ohio; Miranda, b. ?, m. Joseph Musgrove, and had Harrison and Carlotta, res. Chicago, Ill.; Mary Ann, b. 1822, m. Mr. Gould, res. Pa.; Angelina, b. 1824, d. 1890, m. ?; John L., b. 1826, in Knox Co., O., m. Caroline Howe, res. Hastings, Mich.; Wm. H. Pancoast's parents were born Quakers, disowned because of Revolutionary War service. He became a "New Light" preacher (Baptist). Have data to exchange.

GERTRUDE CROOK DEAN
Magnolia, Texas

Jamestown Foundation Award—A \$500 research award is being offered for the best historical information about John Rolfe, his appearance and mannerisms. Entries should be sent to

JAMESTOWN FOUNDATION
P. O. Box 1835, Williamsburg, Va.

CONTRIBUTORS

DR. WALTER MUIR WHITEHILL, Director and Librarian of the Boston Athenaeum, is presently serving as Director of Study on a project undertaken by the Independent Historical Societies, an organization formed for the purpose of studying their research and publication functions and financial future.

MRS. SOPHIE H. DRINKER is the author of *Hannah Penn and the Proprietorship of Pennsylvania*, and has just completed, as co-compiler, a bibliography on colonial women, to be published by the University of Pennsylvania Press. Mrs. Drinker is president of the National Society of the Colonial Dames of America in Pennsylvania.

Descended from a family, long resident in Frederick County, Md., DR. WILLIAM R. QUINN is a professor of foreign languages at the University of Maryland, College Park. He is the author of studies in the field of French literature and holds the French decoration of Officier d'Académie. He has published several articles on Maryland local history and is at present preparing an edition of the "Diary of Jacob Engelbrecht."

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